



Manitoba Constitutional Task Force

February 9, 1991
Winnipeg, Manitoba

No. 8

Chairman: Professor Wally Fox-Decent



MANITOBA CONSTITUTIONAL TASK FORCE

Saturday, February 9, 1991

TIME — 10 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Professor Wally Fox-Decent

Members of the Task Force present:

- Mr. James Carr (Member for Crescentwood)
- Ms. Jean Friesen (Member for Wolseley)
- Mr. Oscar Lathlin (Member for The Pas)
- Hon. James McCrae (Member for Brandon West)
- Hon. Darren Praznik (Member for Lac du Bonnet)
- Mrs. Shirley Render (Member for St. Vital)
- * Substituting for Hon. Darren Praznik (Member for Lac du Bonnet) until 1:30 p.m., Mr. Edward Helwer (Member for Gimli)
- * Substituting for Mr. James Carr (Member for Crescentwood) at 7 p.m., Mr. Kevin Lamoureux (Member for Inkster)

Support Staff for the Manitoba Constitutional Task Force:

- Professor S. Gallagher, Research Director
- Kathleen Mico, Research Officer
- Terry Simmonds, Research Officer
- Vic Toews, Legal Counsel

Witnesses:

- Dorothy Dobbie, Member of Parliament for Winnipeg South
- W. Yvon Dumont, President, Manitoba Metis Federation
- Raymond Bisson, President, Société franco-manitobaine
- Keith McRae, Private Citizen
- Janis Kaminsky, Private Citizen
- Dave Bueckert, Private Citizen
- Phil Fontaine and Angus Merrick, Assembly of Manitoba Chiefs
- Moses Okimaw, Legal Adviser, Assembly of Manitoba Chiefs
- Lloyd Penner, Private Citizen

Gabriel Broder and David Matas, League for Human Rights, B'nai Brith, Canada, Mid West Region

John Lamont, Vice-Chairman of the Manitoba Branch of Canadian Committee for a Triple-E Senate

Graham Hughes and Dave Garcha, Winnipeg Coalition for Federal Canada

Barbara Angel, Private Citizen

Don Ramage, Private Citizen

Jeff Brown, Private Citizen

Greg Krawchuk, Private Citizen

June Komadowski, Private Citizen

Bob Goodwin, Private Citizen

Paul Dowhanik, Private Citizen

Michael Wright, Private Citizen

Leonard Elfenson, Private Citizen

Peter Donovan, Private Citizen

Lena Siemens, Private Citizen

Olga Enns, Private Citizen

Don Oliver, Private Citizen

Hamish Carr, Private Citizen

Maurice Piché, Private Citizen

Matters Under Consideration:

Public Presentations—Manitoba Constitutional Task Force

Mr. Chairman: Good morning. Bienvenue Madames et Messieurs. C'est un plaisir de vous voir ce matin.

(Translation)

Ladies and gentlemen, it is a pleasure to see you here this morning.

(English)

We are beginning, I think it is our seventh day of public hearings—begin to lose track—in Winnipeg. Welcome, to the viewers on Channel 7 television this morning and, of course, to those of you who have joined us in the audience. We have another full day of presentations, ladies and gentlemen, on the

subject of Canada's future and Manitoba's place in that future.

* (1005)

The rules for presentation to the task force are quite straightforward and are printed in the pamphlet. I hope you all have had a chance to peruse the pamphlet. When we call your name, if you would be kind enough to come forward and take your place at the table, you will then share with us your thoughts. If you have a written presentation, we would be pleased to have that ahead of time so that we can distribute it to the Members of the task force, but a written presentation is quite optional. You may also care to send us something in written form at some future date. We hope that might be in the near rather than the far future. You will find an address in the pamphlet where you can mail us something, we will be happy to receive it, and the task force Members will read it.

You have a 20-minute period for presentation. You do not need to consume the whole 20 minutes. We are always pleased if people are able to say what they have to say in less time, but certainly the 20 minutes is yours. There will be a single bell after 15 minutes, which indicates that you have five minutes left; a double bell at 20 minutes, when we would ask you to conclude your remarks. There will then be a period during which Members of the task force may wish to ask you questions.

Services provided: There is simultaneous translation, English/French, French/English. I think we will have at least one presentation in French this morning, and the translation devices are available at the back of the room if you would care to take one if you wish to have the ability to receive the French in English. There is American Sign Language, as you can see already under way, and there are devices to assist those who may require some help in hearing, individual devices which you are quite welcome to receive, again at the rear of the room.

* (1010)

I would like to introduce my colleagues to you this morning, the Members of the task force. I will start on my right. At the far end of the table is Mr. Oscar Lathlin, the New Democratic Member of the Legislature for The Pas. Next to him is the Honourable Jim McCrae, the Conservative Member of the Legislature for Brandon West and Minister of Justice, Minister for Constitutional Affairs in the Government of Manitoba. On my immediate right, Mrs. Shirley Render, the Conservative Member of the Legislature

for St. Vital. Moving to my left, ladies and gentlemen, at the end of the table, Mr. Ed Helwer, the Conservative Member of the Legislature for Gimli. Next to him, Ms. Jean Friesen, the New Democratic Member of the Legislature for Wolseley. On my immediate left, Mr. Jim Carr, the Deputy Leader of the Liberal Party in Manitoba and Member of the Legislature for Crescentwood. I am Wally Fox-Decent.

Our first presenter this morning is Mrs. Dorothy Dobbie, Member of Parliament, and I would ask her if she would come forward, please. Good morning, Mrs. Dobbie.

Mrs. Dorothy Dobbie (Member of Parliament for Winnipeg South): Good morning, Mr. Chairman. Do you want me to just begin?

Mr. Chairman: Whenever you are ready, thanks.

Mrs. Dobbie: Good morning, all. It is a pleasure to be back. It has not been that long since we were in the same room, I think, but under happier circumstances perhaps. I will read my written presentation. I believe there is one being passed out to you to follow. I had to make some minor changes and correct some factual information.

Ladies and gentlemen, what I want to talk today about is setting the stage for the kind of change I think we are going to see in the future, and I would say that before we can predict that future it is necessary to have some sort of an understanding of our past. I think we must recognize that Canada, as a modern nation, is one whose people and member regions were bound together by consent rather than by force. It is important we recognize that there were no shotgun marriages in the Canadian family.

Many Canadians appear to believe the country that we see today has always looked this way. In fact, Canada has developed and evolved since Confederation. It has added new provinces and changed the way that the provinces deal with Canada and with each other. Canada, like any other modern country, is a living, breathing entity that grows and develops according to the pressures of the times and the needs of its people.

Most of us in Manitoba know that Manitoba is Canada's fifth province, the fifth province to enter Confederation. I think that very few people would be able to list the order of entry of the other provinces beyond the first four. Even with the first four there is a great deal of confusion in the minds of people about

which of the two of the three Maritime provinces were the original provinces.

Because Prince Edward Island is so very, very small, it has or seems to have a very special status in Confederation and, for this reason, many people believe that it is one of the first of the provinces to enter, hesitating next over Nova Scotia and then New Brunswick—oh, maybe it is New Brunswick, but in fact Prince Edward Island was the seventh province to enter Confederation.

I think this illustrates the point that the provinces of Canada entered under their own steam, listing their own priorities and their own conditions, which were either fulfilled or not according to the political times, the mood of the times and the priorities of Canada then.

* (1015)

When Manitoba entered Confederation in 1870, she herself was a vastly different little nation from what she is now and, yes, Manitoba at that time considered herself a nation, a nation consisting of a strong new people, the Metis, who represented the best of Europe and the best of North America and who in their minds would forge a new order for the future.

The face of Manitoba changed dramatically in a few short years. At Confederation in 1870 there were 25,000 people. Most of them were either Metis, French-speaking Metis, and Catholic, but 20 years later the population had swelled to 125,000 and the majority had switched to English-Protestant. The founding people had lost their power, the power that was conferred upon them at Confederation, and even some of the conditions of Manitoba's entry into the union were subsequently denied them by the new majority. Controversy and debate still continue about this today, most recently the hotly debated language issue in the early 1980s.

Many other changes have taken place in Manitoba since Confederation. It expanded its territory, for example, three times. It first went west in 1881 and then east in 1884 and finally north to Hudson Bay in 1912. That was an interesting thing, because that was almost a territorial grab. It encompassed in that move the Republic of New Iceland, which had been settled in 1875 and granted colonial status by the Canadian Government on January 14, 1878. So we are not without our territorial aspirations.

While Manitoba was exploring new territorial and political horizons, there were changes also occurring in the rest of the country. In 1871, B.C. joined the

union, followed by Prince Edward Island in 1873, then Alberta and Saskatchewan in 1905, and finally Newfoundland in 1949. This evolution continues with the Yukon territory working toward provincial status and a newly autonomous Government emerging in the Northwest Territories.

We must understand that this is what Canada is. It is a partnership, a union, a Confederation of member states or groups of people who are bound together by geography or by political interests, and who saw that it would be advantageous to meld forces with other like groups in a political union that would create a stronger central organization. This would lend all members strength against common enemies and help forge a more stable and viable economic entity.

At no time did any of the partners ever intend to give up all of their autonomy. The Articles of Confederation, upon entry, of each of the provinces tend to respond to the individual provincial needs of the time.

The shapers of Confederation understood the needs of each of these partners to maintain jurisdiction over a wide range of activities, most of them having to do with things that impacted upon people and that could be more effectively delivered by local governments rather than some centralized Government in far-off Ottawa.

Over the years, there has been a gradual but continual encroachment, however, by the central or federal Government into areas of exclusive provincial jurisdiction because of the federal Government's spending power. As they say, he who pays the piper calls the tune, and frequently when people are looking for music, they do not care who pays until after the deed is done. They discover that the tune they are hearing is not perhaps the one that they were expecting. This has happened frequently in Canada.

Provincial Governments welcome expenditures in provincial jurisdictions, but often they regret the ultimate price in autonomy. Some encroachments into provincial jurisdictions have caused great bitterness. The National Energy Program was bitterly, bitterly resented in Alberta, and a variety of federal Government language policies have met with equal resistance.

More recently, we see some provinces resisting Canada's intrusion into the health field because of the burden of cost that national standards impose upon them.

In this context it is not surprising to learn the contents of the Allaire Report, especially in view of the fact that Quebec has for years resisted very strongly the intrusion of Canada in matters of cultural preservation. I doubt that the current constitutional crisis and the debates are very surprising to anyone who has studied constitutional matters, because it has been very, very clear for a long time that the failure of Meech Lake would forever change the face of Canada.

Now there are only two options in Quebec: separation or a renegotiation of the terms of Confederation. They are signalling that they would like a return to some of the areas of once exclusive jurisdiction and perhaps to expand their jurisdiction in other areas.

* (1020)

Not all the terms of "reconfederation" proposed by Allaire will be acceptable to Canada. Indeed, they may not all even be acceptable to the Liberals in Quebec, and they will be debating that issue in March.

I suggest to you, ladies and gentlemen, that it is very important that we keep an open mind. What is being proposed is a new sort of union, but it is not a disunion, at least in the Allaire Report, and some provisions will be viewed with favour by certain provinces.

Manitoba, for example, may herself be interested in exploring new agreements, new arrangements with Canada. Recently, discussions have been initiated about immigration, for example. Manitoba wishes to explore some new opportunities within the context of that federal jurisdiction.

It could be said that Canada's first incursion into provincial jurisdiction was the building of the national railway, but this was even a condition of Confederation for British Columbia and it was a reasonable and desirable thing at the time.

It set a precedent, however, for other encroachments which have included the Income Tax Act during World War I, the Unemployment Insurance Act later, the Canada Pension Plan which covered nine of the 10 provinces and most recently, the Canada Health Act. We have overlapping and duplicated services in dozens of other areas, including agriculture, forestry, energy and mines, health and welfare, even education, that once exclusive provincial jurisdiction, and small business and tourism just to name a few others. All of these

encroachments must have seemed reasonable at the time that they were put in place.

Just as reasonable, however, is the possibility that in the 1990s and beyond there may be different agreements, other arrangements, optional ways of dividing powers and responsibility between the provinces and Canada. What is important, I believe, is keeping our minds open about this. We should not be frightened of the idea of a re-Confederation, but should look at it as an opportunity to expand our horizons and to create a modern nation that fits the imperatives of these changing times.

What would be truly frightening, however, in my opinion, would be to see the separation of Quebec followed by the erosion of what was left of Canada, a province or a region at a time, until there was very little left of the once great union that we now know.

So, I repeat, it is very important for us to be rational and to consider the value of re-union rather than assuming a completely emotional attachment to the status quo, because that status quo would insist that Quebec, and indeed all the provinces, fall into line with what exists today.

But if the terms of union can be so flexible, what happens to our sense of identity? I think that frightens people. What does it mean to be a Canadian? How do we define ourselves? What is it that puts a lump in our throat, makes our heart swell and puts a tear in our eye when we hear our national anthem or watch the flag unfurl at those solemn occasions?

Someone said the other day that he believed that Canadians are defined by their social programs. Well, I for one have great difficulty or trouble with that because I find it a shallow definition. I personally felt Canadian long before the federal Government began using my money to impose programs on me through its spending power.

I believe that our sense of identity goes much deeper than that. It has its roots in our vast and rugged geography and in the changing climate and in our association with people in the multicultural society that we have developed.

The wide spaces of Canada have helped to shape our thinking and they exert a subtle influence even on newcomers. The northern climate, with its four seasons, has lent us vitality, and the cultural mosaic has given us a richness of experience through our shared heritages.

Then there are our shared experiences as Canadians: two world wars, a depression, a

centennial celebration, floods, fires, hurricanes, oil spills, but also Nobel Prizes, Olympic gold medals, and scientific achievements and a thousand other shared moments and events of both great tragedy and great joy.

It is these things I believe that make us Canadian and a re-Confederation cannot change this.

Nevertheless, we are a country of vast territory and diversity of geography, climate and people, and there are as many things to divide us as there are to bind us together.

It is only through being tolerant and rational that we have been able to come this far. The independence of Newfoundland shaped by its rugged landscape and harsh climate, the distinct character of Quebec so steeped in its cultural heritage and tradition, the caution of Manitoba, the brashness of Alberta, the mystery of British Columbia—all these differences are also part of who we are as Canadians. Each distinct part helps to define our sense of identity.

Would we be the same if the Northwest Territories fell into the hands of another power, or if, as has been suggested facetiously, Newfoundland broke off the continent and somehow floated away? I think not, ladies and gentlemen, and so I really believe that it is up to us to fight for Canada. We have to struggle to understand the facts and the possibilities, and we must look for opportunities to create a new reality out of which another partnership can be forged. To do less, I think, will serve no one, not Quebec and not Canada and certainly not Manitoba. Thank you, ladies and gentlemen.

* (1025)

Mr. Chairman: Thank you, Mrs. Dobble. Questions now. Mr. Lathlin.

Mr. Oscar Lathlin (Member for The Pas): Good morning, Mrs. Dobble.

Mrs. Dobble: Good morning, Oscar.

Mr. Lathlin: I could not help but notice your presentation was totally void of any mention to Canada's first peoples, and yet in your opening sentence you say before we can predict Canada's future, it is necessary to understand its past. To my simple way of looking at things, the past also includes the aboriginal people.

Mrs. Dobble: Yes, it certainly does.

Mr. Lathlin: I believe someone once argued or tried to make a point, I believe it was Premier Bourassa, but I have been here 300 years, I should be given

special recognition. Aboriginal people have been here thousands of years where we have more seniority, let us put it that way, as someone put it to us yesterday. Then someone else yesterday talked about the shameful history of Canada. I do not know if you were ashamed to include aboriginal people in your submission. I do not know, but I would like to ask you to tell us why you did not include aboriginal people in your submission.

Mrs. Dobble: Well, I would be happy to do that. I spoke in a political context, and I did not make any recommendation for the future except to keep an open mind that the terms of Confederation would have to be different and that, by inference, I certainly could include the aboriginal people or others. I spoke, as I said, within the political context and the union of Confederation as it exists today. The union includes political entities known as provinces, and therefore there were many, many things that I could not mention because we have only 20 minutes, that I would like to have mentioned. I made a decision to deal only with the political context of the entities that exist as provinces.

By inference, you could say that when we talk of the Northwest Territories, for example, it is a largely aboriginal Government. There is mention there, but I did not do it specifically because we were dealing with the entities.

Mr. Lathlin: Well, I was just thinking you could have mentioned the broken treaties and the Catholic churches. Thank you.

Mr. James Carr (Member for Crescentwood): Mrs. Dobble, do you believe in Native self-government?

Mrs. Dobble: I think that what we have right now certainly is absolutely unacceptable. I do not think that the Indian Act is a proper document in the context of a modern world. I think it is intrusive. It is patronizing. It makes me angry every time I read it, and that, as far as I am concerned, is blocking the way of Native people to find their own determination, and if that is called self-government, yes, I certainly believe in Native self-government—absolutely.

* (1030)

Mr. Carr: Would you, therefore, be prepared to recommend to your colleagues that the concept or the principles of self-government be entrenched in the Canadian Constitution?

Mrs. Dobble: I think that—and I am not hedging on this. I just am not sure what you mean by self-government. I think there is a controversy over

what form that might take, and therefore I would hesitate. But, as far as the concept of self-determination through the abolition of the Indian Act, whether it is a transitional abolition or an outright one, I would not hesitate for a moment to recommend that. Aboriginal people and the political context in which they deal with Canada is something, I think, that they will have to work out over the period of negotiations. It is not for me to make that recommendation, how they might want to run their own lives.

Mr. Carr: You also say in your paper that different provinces may want to negotiate different agreements with the Government of Canada, and you make reference to the Allaire report. Do you think that it is in Canada's interests to have 10 different arrangements between the provinces and the Government of Canada? What implications does that have for the roles of Members of Parliament, for example?

Mrs. Dobble: Well, I do not know that it has any impact on the role of a Member of Parliament, but I do think that right now we have different agreements between provinces and Canada. I know that. It is a fact that there is not one standard agreement in every instance, just in the instances that I mentioned. For example, the Unemployment Insurance Act is uniformly applied across Canada, but there are many other federal-provincial agreements that are not uniform in any way right now and which fit the needs of the individual province.

Mr. Carr: Do you think it is in Manitoba's interest to maintain a strong central Government?

Mrs. Dobble: That is an interesting question. I think that provincial Governments across the country have two interests. On one hand, they want to have autonomy in certain areas, particularly where they are dealing directly with people. On another hand, there are times, such as in Alberta with the National Energy Program, where they want to have very strong jurisdiction. If I were in the Maritimes, however, I think my idea would be a little bit different. I would want to have a strong central Government, one that could deliver equalization payments because of the economic climate there. So I think that the conditions are different from province to province.

Mr. Carr: How about for Manitoba?

Mrs. Dobble: I think Manitoba is one of those provinces always in the middle, no pun intended. We have a very strong interest in maintaining autonomy

over a number of areas here in Manitoba, but because we are a have-not province we would always want to see the equalization payments in place so that we could share the wealth of some of the other luckier provinces.

Mr. Chairman: Any other questions? Thanks very much, Ms. Dobble.

Mrs. Dobble: May I just add one thing in closing that I did not put into my text, and it refers a little bit to what Oscar is saying. I think it is important that I mention the fact that one of the things that I noticed about Canada during the Meech Lake hearings, as I went across the country, was the narrowness of thinking and the very—almost a dog-in-a-mangerish kind of attitude. I am looking after my jurisdiction and my interest, and I do not care what happens to anybody else. I think that, if I have a message to leave to anybody here today, it is that open-mindedness that we have to begin caring about each other and paying attention and being tolerant to the needs of others if we are going to save this country at all. Thank you.

Mr. Chairman: Thank you. The next presenter, the Manitoba Metis Federation, Mr. Yvon Dumont. Good morning, sir.

Mr. W. Yvon Dumont (President, Manitoba Metis Federation Inc.): Good morning.

Mr. Chairman: We have your written text. Thank you.

Mr. Dumont: Mr. Chairman, committee Members, I am honoured to make this presentation to you today on behalf of the Manitoba Metis Federation, almost two years after I addressed the same Chairman at the public hearings on the Meech Lake Accord. In those two years, I believe that events have come to pass which have served only to reinforce the principles I expressed at that time.

To begin, I need not spend much time in identifying the people I represent. As one of the aboriginal peoples of Canada, whose rights are guaranteed in Section 35 of the Constitution, and also in Section 31 of The Manitoba Act, we have much at stake in the matter of constitutional reform. Everyone knows it was the Metis who first stood against federal encroachment upon the rights of local government and insisted on the entry of Manitoba into the young Dominion as an equal partner with full provincial status. Everyone knows as well that the rights of the Metis which were entrenched in that provincial constitution were dishonourably trampled upon, our lands plundered, our culture attacked and, eventually, when we came to share the fate of the dispossessed,

our fate was ignored. It is our historical legacy which has taught us about the delicate balance which makes constitutional rights meaningful.

If it is to be workable, the written Constitution must contain institutions which are capable of dealing with both the aspirations and the problems of future generations. It must at the same time, however, respect the original compacts upon which our society has so far governed itself. We cannot begin a process of constitutional reform pretending that we do not have a history, that there were never any constitutional agreements in the past, and expect that a new constitutional deal which does not respect our pre-constitutional realities and our previous constitutional agreements will bring unity in our great country.

If it is to contain the vision of Canada that the Metis favour, however, the Constitution must, most of all, entrench an appropriate place for the aboriginal peoples of Canada. It must recognize the aboriginal peoples existed here before the Constitution was written and that they have rights that are supra-constitutional. The great omission, which has meant the illegitimacy of the present Constitution for aboriginal peoples, is that it does not meet the standard of representing the consent of the governed. It is this great omission which, in the end, resulted in the unfortunate demise of the Meech Lake Accord. It is essential that the Constitution provide recognition and protection for the aboriginal societies, for our languages, cultures and rights of self-government and self-determination. Is that not the function that everyone expects from one's country?

We see everywhere new economic links being promoted for everyone's greater material well-being. While economics might dictate such new links among ever larger groups of peoples, we must also be vigilant and to require for our country the kinds of institutions that are capable of protecting our very identity as distinct peoples with distinct cultures. If we have no such institutions for our protection, then our existence as distinct peoples is threatened.

The dismemberment of the Metis people in the face of ineffective constitutional guarantees has meant that for us the protection is desperately needed. The rights of self-determination and cultural survival are the rights of people everywhere. Who will stand and proclaim aboriginal peoples are not entitled to the rights accorded to the international community everywhere? Who will stand and proclaim that as distinct peoples we are not equally entitled, as are all

other people, to the rights to determine our own destiny?

Some will undoubtedly raise before you the specious argument that in this country everyone must be treated alike, that we are all equal before the law, but in truth the notion of equality means equality for peoples as well as equality for individuals. Who will stand and proclaim that our cultures are wrong, our values and institutions are wrong and are to be sacrificed to the will of another culture, to other values and to other institutions?

In principle, our claims are the same as all the peoples of the world. All culturally and historically distinct peoples have the right to choose freely how they are to be governed. Those who opposed the accord of 1987 have recently had the opportunity to witness the basis for our support where the prospect to gain a general acceptance of principles is now farther than ever.

* (1040)

It has always been our view that the legitimacy of the Constitution of 1867 can only be sealed when all the peoples governed by it are included by their choice. I said so in April of 1989, and I say so now. What this means is that we must recognize the legitimacy of the bargains that were made in 1867 in order to set agreements to form the Dominion. The compact of the English and French cultures is a pillar upon which Canada has been built. It must not be permitted to be eroded as we search for ways to accommodate changing times and changing aspirations.

If constitutionally entrenched bargains are to be tossed aside, then the value of constitutionalism is greatly diminished, and dictators are bound to step in where respect for the existing order has disappeared.

So I have stated that the Constitution must be legitimized by the recognition and protection of the rights of the aboriginal peoples in Canada. Furthermore, the basic compact between the English and the French must continue to be the enduring basis upon which new institutions are built.

The third principle upon which we build our vision of Canada is the recognition of the value of the multicultural society. Although we must insist on every citizen's right to proclaim his identity as that of a Canadian without qualification or hyphenation, we also believe that the cultures of the immigrant societies which followed the English and the French are properly an important part of the Canadian vision,

and that should be reflected in our Constitution. Having come to Canada as individuals, these new settlers who have accepted our existing Constitutions and institutions must now be accorded a place in crafting the Constitutions that are to support the true vision of Canada that we want to leave to our children over the next generations.

This vision, which incorporates the immigrant people who come here to seek a better life, is the vision that Louis Riel himself proclaimed for a multicultural Canada. These then are the three principles which appeal to us as the proper foundation upon which to build our Constitution. They must not be accorded secondary status in the cause of constitutional reform. They are matters of priority and must not be set back on an agenda that seeks to tinker with the mechanics of a single institution, such as Senate reform.

I repeat what I said in my earlier presentation on that issue. We are in agreement that the Government must be brought closer to the people. That is exactly what self-government means. We are in agreement with the concern of those who seek Senate reform when they complain about eastern domination in Parliament, when they claim that representation by population is not good enough anymore. But, if regional representation is the greater good, then perhaps this province ought to look north and rearrange our electoral boundaries to better assure adequate representation for Northerners in our own law-making institutions. Just prior to the last election we saw the North lose a constituency because of representation by population. I think that certainly this is something that needs to be looked at.

I know that Northerners often see Winnipeg in much the same way as many in western Canada sees the East. If it is not a healthy outlook for Canada, then surely it is not healthy for Manitoba to continue the imbalance of regional representation. I assure you that our constituents have some strong views in the area of Senate reform. These views must be publicly aired and debated in accordance with the proposals that we will be making here today regarding the process of constitutional reform.

The next point I wish to stress is that the incremental momentum for constitutional change, which was present in the Meech Lake Accord, has now passed away. That fleeting opportunity is gone, and now constitutional reform must be done in one package. We have lost the chance of having separate constitutional rounds, so this round is everyone's

round. Let us make it work to keep Canada in the forefront of nations, a place where the living is good. Surely, as Canadians, we can respect agreements that were seen as necessary by our ancestors to build this great country at the time of Confederation and at the time of Manitoba's entry into Confederation. Surely Canada is worth it now as it was then.

I would like now to emphasize a fundamental concern that the Metis have which requires particular mention in a revised Constitution, and then I will finish with a suggestion in regard to the process of reform.

We have stated that the Constitution should recognize our pre-existing right of self-determination. It would greatly assist the process of engaging in meaningful discussions if this right were to be recognized as a first and necessary step. Once that is done, all the parties would be forced to move onto the real issues, that is, how self-government is to work in practice.

If the real issue concerns the practical workings of self-government, then it becomes clear that the constitutional recognition of an abstract right is not enough. Aboriginal societies have been plundered and scattered about for so long that we need assistance in implementing institutions that will ensure meaningful forms of self-government. What this means is that the Constitution must place obligations on Governments to act positively to enable aboriginal and treaty rights to be made effective.

The Metis of Manitoba have had the bitter experience of having our land rights, which are entrenched in the Constitution, ignored or abrogated by governmental action. We are now involved in difficult litigation to try and secure justice in respect of those wrongs, but the Governments use all their power and resources to place all available legal obstacles in our path. The fiduciary obligation, which the courts have declared to exist between the Crown and all aboriginal peoples including the Metis, is ignored. That is a totally unsatisfactory way, from the perspective of everyone concerned, of seeking to do justice. We, therefore, urge this committee to recommend the kind of constitutional structures and obligations that will make existence of our rights meaningful.

In this context, it occurs to us that there are existing models that could be useful. For example, a public office responsible directly to Parliament and to the Legislature, charged with the duty of monitoring and

reporting upon the performance of Governments in meeting their constitutional obligations that pertain to Metis as a people.

Concerning the process of constitutional reform, we suggest the establishment of separate institutions, some sort of constituent assembly to create options for a new Constitution that accommodates the three major interest groups that we have identified. This would require then the establishment of a body or bodies comprised of aboriginal peoples, to determine the choice of aboriginal peoples among the options that are being developed.

We do not want strangers to continue to decide what our proper place might be in the constitutional scheme of things. We have already been put in our place for too long. If this body is unable to work with, or at least respond to the options that are being created in Quebec and which we think will be, or at least should be, created in the other provinces, then we might arrive at a process that gives us meaningful input.

We certainly had no input in the Meech Lake Accord. We had no opportunity in the 1980s of dealing with Quebec's options. We need a new structure that will permit us finally to put our seal of approval on the kind of Canada that is acceptable to us. More important, we need a new structure that will permit all the parties to agree before the final drafting of any legal provisions, that the agreed constitutional principles in fact promote the interest of all parties.

* (1050)

In the end, the interest of aboriginal peoples must also become the interest of the non-aboriginal peoples, and their interest must be ours. Only in this way can we secure a Constitution that will indeed be legitimate because it does represent the consensus of all those who are governed by it.

In summary, we urge this task force to recommend the adoption of the six points which follow:

1) The legitimacy of the Constitution can only be established when all people governed by it have agreed to it. This requires the consent and active participation of the aboriginal peoples generally, and the Metis people in particular, in the process of constitutional reform.

2) Constitutional amendments must be predicated upon the recognition of three principles: a) the recognition and protection of the rights of aboriginal peoples who were here before the original pact of 1867; b) the recognition of the continuing validity of

compacts made between the English and French societies as a basis for future change; c) the recognition of the value of the multicultural society and the vision of Canada that is to be created and preserved for the future.

3) Constitutional amendments must recognize the inherent rights of aboriginal peoples to self-determination and must also provide positive obligations on Governments to make implementation and protection of those rights effective.

4) Constitutional amendments must recognize the value of a country's institutions in protecting peoples' cultural survival, even in the face of increasing economic ties with other peoples and countries.

5) True equality in Canada means equality between peoples as well as equality between individuals.

6) Constitutional reform must not take place in separate rounds dealing with separate issues but must squarely meet the task of crafting appropriate structures to support a true vision of Canada.

Thank you.

Mr. Chairman: Thank you, Mr. Dumont. Questions now?

Mrs. Shirley Render (Member for St. Vital): Thank you for your representation. You certainly elaborated very well on some of the aboriginal concerns, and I have picked up something else on page 9 that intrigues me. You say that your constituents have some strong views in the area of Senate reform, and I wonder if you would just take a couple of minutes to elaborate on what you mean.

Mr. Dumont: Well, when we looked at Senate reform, first of all, we do not want Winnipeggers to expect that because the majority of the population is in Winnipeg that they would be getting the majority of seats in the Senate. We do not want to see an elected Senate elected at large—as what took place in Alberta. We want to see a Senate reformed that would assure that regional representation is a reality in Manitoba as well as in Canada. We have some views, some of our constituents have some views, that include guaranteed representation for aboriginal peoples in the Senate. There are a number of other issues as well that we would like to discuss in a forum that would be adequately set up to take in all those views.

Mrs. Render: Do your views fall within the format of the Triple-E Senate that is proposed, taking into consideration your comments that the north of Manitoba should be represented as well as the south?

Mr. Dumont: Certainly some of our people have that view. I have a view personally that in Parliament the elected House of Commons must be supreme. I do not believe that we should have a Senate or another House that somehow would prevent the elected House to make decisions on behalf of the country.

Mrs. Render: Thank you.

Ms. Jean Friesen (Member for Wolseley): I enjoyed the presentation. I particularly liked the different perspective it offered us on the history of Manitoba and the history of Canada than the presentation we heard just before, and recognizes, of course, the particular role of the Metis in the creation of Manitoba.

I was interested in one particular point, and the last few points that you have are very clear, and I think I understand very clearly what you are after, both in terms of process and in purpose, but on page 15, No. 2(b), "the recognition of the continuing validity of the compacts made between English and French societies as a basis for future change." Can you elaborate on that, and to what extent language is the key to your interest there, to what extent is it broader cultural institutions, and to what extent are you thinking of Manitoba or of all of Canada? Just something that will help me put that in context.

Mr. Dumont: Okay, first of all I believe that deals that were made that made it possible for Canada to become Canada in the first place, that were agreed to, that were deemed necessary by our ancestors, have to be respected. They are in the Constitution.

The Manitoba Act, which as part of Canada's Constitution has certain rights in it that were negotiated by the Metis that relate to land. Those rights have to be respected. We cannot pretend now and say, yes, but that was true 100 years ago, today we are in a different situation, the Metis do not have the fire power any more, and they do not have the majority, so even though their rights are guaranteed in that original compact, we do not have to respect them. We cannot start in 1991. We have to start, in Manitoba's case at least, in 1870 and in the eastern part of Canada we have to begin in 1867. There were agreements that were made and those agreements have to be respected. If they are not, then there is not much point in talking about Constitution.

Ms. Friesen: So it is much more than language and culture. I understand.

Mr. Dumont: Certainly, certainly. I want to re-emphasize that we have to recognize that from the beginning Europeans did not come to Canada to a

barren land where nobody existed, where there were no societies, where no people lived. We hear people saying that the Constitution or the provinces joined Canada and began this country on consent.

Well, I think that many aboriginal people certainly did not give their consent at the beginning. We have to recognize those things. We failed to recognize them in 1867. Our ancestors failed to recognize them, but nevertheless they were there before the Constitution. They were a physical reality in Canada, and it was a great omission of both the British North America Act and The Manitoba Act and all of the other Acts that became part of Canada's Constitution.

So we have to look at those things and make sure that our new Constitution reflects the realities that were preconstitutional and as well as the deals that were made in the first place.

Mr. Chairman: If I may just pursue that a little further, Mr. Dumont, what Ms. Friesen was just asking you. There is another reference on page 6: "The compact of the English and French cultures is a pillar upon which Canada has been built." It must not be permitted to be eroded as we search for ways to accommodate changing times.

I am just wondering how that links to the possibility of a Quebec which is no longer a province of Canada, but which has some clearly distinct status in whatever form it may be. I am not sure whether you mean to imply something there, sir, in that context or whether you do not. Perhaps I could ask you just to elaborate a little further on whether those statements—the one that Ms. Friesen referred to and this one—what is the relationship to the issue of a Quebec that may no longer be part of Canada at some point in the near future?

Mr. Dumont: Well, I think when we looked at Constitution reform, I began by going forward and by wanting to build on the existing compacts. I do not look at going backwards and to destroy our country. We are here to make our country stronger in these constitutional rounds and in constitutional reform. I certainly do not look at Quebec as a separate entity as being positive for Canada, and it is certainly not something that I support.

Mr. Chairman: On the principle of self-determination which is a very strong principle in your paper, if Quebec decides that that is what she wishes, then what?

Mr. Dumont: Well, if it comes to that then I suppose we have to live with it. I would prefer seeing a Canada

which accommodates its existing peoples to the point where they want to be part of Canada. I do not think that any kind of legislation can legislate people to want to be part of Canada, but I think that we can work together with the existing Constitution as we see it, make accommodations to make Quebec want to be part of Canada, to make the other provinces as well want to be a part of Canada with Quebec in it. If the relationship deteriorates to the point where Quebec makes a conscious decision of separating from Canada and becoming a distinct entity, then the principle that I have referred to in here applies.

*(1100)

Mr. Chairman: Any other questions? Thank you very much, sir.

Et maintenant, j'appelle la Société franco-manitobaine. Le président, Monsieur Raymond Bisson, Madame Cécile Berard et Monsieur Edmond Labossière.

(Translation)

Next, I call the Société franco-manitobaine. The President, Mr. Raymond Bisson, Ms. Cécile Berard and Mr. Edmond Labossière.

Mr. Raymond Bisson (President, Société franco-manitobaine): Bonjour. Monsieur le Président de la Commission, distingués membres de la Commission, j'aimerais vous présenter Madame Cécile Berard, la Directrice générale de la Société franco-manitobaine ainsi que Monsieur Edmond Labossière, Agent de développement de la Société franco-manitobaine.

(Translation)

Good morning. Mr. Chairman and distinguished members of the Task Force, I would like to introduce you to Ms. Cécile Berard, executive director of the Société franco-manitobaine as well as Mr. Edmond Labossière, development officer.

Mr. Chairman: Pardonnez-moi monsieur, un moment si vous plaît. Il y a une difficulté ici.

(Translation)

Excuse me, sir, one moment, please. There is a problem here.

Mr. Bisson: Monsieur le Président, distingués membres de la Commission, je vous ai présenté Madame Cécile Berard, Directrice générale de la Société franco-manitobaine et Monsieur Edmond Labossière, Agent de développement.

La Société franco-manitobaine (SFM) entend que le Groupe de travail manitobain sur la Constitution vise essentiellement à étudier et à analyser le statut politique et constitutionnel du Canada et à formuler des recommandations à cet égard.

La Société franco-manitobaine (SFM) est heureuse d'avoir l'occasion de présenter un mémoire au nom du Manitoba français. Nous croyons dans un Canada uni. Cependant, la structure constitutionnelle doit être modifiée pour en arriver à cet objectif. Nous croyons encore que suite à des modifications, il sera possible pour les diverses composantes de la mosaïque canadienne de continuer d'habiter ensemble. À l'heure actuelle, il existe plusieurs liens soit historiques, socio-politiques ou économiques entre ces composantes. Il importe que ceux-ci soient maintenus parce qu'à l'heure où, à l'étendue du monde, l'on parle de restructuration des frontières, chacun tente de se raccrocher à ses racines les plus significatives. Notre mémoire comprend une section sur l'histoire français de notre province qui permet de mieux comprendre l'évolution de notre peuple, de sa langue et de sa culture.

Les médias à la grandeur du pays nous communiquent que le peuple québécois en général penche vers la souveraineté. Nous croyons que dans un avenir rapproché, l'état canadien va certes subir de profondes modifications et, qu'à l'intérieur de tout cela, le Manitoba a non seulement le droit mais la responsabilité de participer aux débats qui dresseront la direction de l'avenir du pays sur le plan constitutionnel.

La collectivité franco-manitobaine veut s'épanouir; elle veut des établissements distincts; en ce qui est de son avenir, elle veut avoir son mot à dire et une influence sur son propre sort. N'est-ce pas aussi l'aspiration de tous les canadiens et canadiennes?

Notre province est relativement jeune. Au Manitoba, une seule génération de francophones a pu faire ses études entièrement en français à l'intérieur du système publique, à partir de la maternelle jusqu'à l'université et cela s'est fait assez récemment.

Pourtant, malgré bien des contretemps, nous avons survécu. Notre communauté commence depuis quelques années à se doter de ses propres institutions, condition fondamentale à la survie. La mentalité de nos jeunes francophones n'est pas celle des générations antérieures, qui bien souvent ont été obligées de vivre leur langue dans la clandestinité ou

de subir les complexes qui découlent d'une vie marginalisée.

Bien qu'ils soient minoritaires, nos jeunes ont sûrement une perception différente d'eux-mêmes par rapport au bilinguisme et en ce qui concerne leur intégration et leur participation au Canada de demain.

Malgré notre statut minoritaire, nous avons des aspirations qui nous sont propres et, petit à petit, par la revendication et par la concertation, nous réussissons à aller de l'avant.

Le document présenté fait état de notre histoire. Une histoire riche d'un peuple fier, talentueux et tenace, profondément lié à ses racines manitobaines. A la page sept.

Au cours des dernières décennies, la collectivité franco-manitobaine s'est dotée d'une structure qui lui a permis d'assurer la survie du français au Manitoba.

En 1968, la Société franco-manitobaine (SFM) remplace l'Association d'Éducation des canadiens français du Manitoba (l'AECFM). Au cours des années, le mandat de la SFM se précise. À l'heure actuelle, la SFM, de concert avec l'ensemble de la collectivité franco-manitobaine et des organismes franco-manitobains, a pour mandat de protéger les intérêts de la francophonie manitobaine, de faciliter l'épanouissement de la vie française au Manitoba et de faire la promotion du français dans cette province.

Le Manitoba possède également un grand nombre d'autres établissements français, mis sur pied grâce à l'insistance des franco-manitobains et franco-manitobaines qui désiraient vivre leur vie en français. Aux chapitres de la culture, de l'éducation et de l'économie, la communauté possède les structures nécessaires pour assurer une vie française d'une étonnante vitalité.

Mais, malgré le nombre d'organismes francophones dans notre province, la survie de la langue française dépend de l'usage qu'on en fait. Ce sont les francophones du Manitoba eux-mêmes qui doivent croire à l'importance de sauvegarder cette langue. Cependant, le gouvernement manitobain a un rôle majeur à jouer au niveau de la revalorisation de notre langue. Il doit fournir les structures et l'appui moral nécessaires pour nous rendre la tâche plus facile.

Le 4 novembre 1989, la province du Manitoba annonçait une politique de services en français dans notre province. Le 2 août dernier le gouvernement a mis sur pied un groupe de travail afin de remettre aux franco-manitobains et franco-manitobaines leurs

légitimes responsabilités en matière de gestion scolaire.

C'est en continuant de poser des gestes concrets et positifs que nous réussirons ensemble à normaliser la vie française au Manitoba.

Nous souhaitons que le Québec parvienne à trouver le cadre politique qui satisfera les aspirations de son peuple en maintenant une union avec le Canada. Il importe que nous entamions et poursuivions un dialogue productif de façon continue afin de trouver des solutions innovatrices qui permettront au Québec de faire avancer son développement tout en cultivant des liens avec le reste du Canada. Nous devons également assurer la préservation des acquis de la communauté franco-manitobaine, notamment la Loi sur les langues officielles et les garanties dans la Charte canadienne des droits et libertés.

Nous souhaitons donc que le Manitoba garde l'esprit ouvert lors des délibérations par rapport aux réformes constitutionnelles du pays et plus particulièrement par rapport à la place de la francophonie canadienne au sein d'un nouveau Canada.

* (1110)

Les franco-manitobains et franco-manitobaines sont enracinés sur les plaines de l'Ouest et comptent y rester. Nous souhaitons toutefois que le Québec reste à l'intérieur de la Confédération mais dans un Canada redéfini où chacun puisse jouir de sa légitime place.

Afin d'évoluer, le Manitoba français doit trouver les moyens d'augmenter les ententes de coopération et de collaboration sur les plans économique, culturel, social et politique avec le Québec. Dans la présente conjoncture, nous devons nous assurer que les liens déjà en place soient renforcés et nous devons trouver de nouvelles formules et initiatives qui permettent le développement de nos communautés. Il faut officialiser la coopération entre les deux parties, c'est-à-dire faire les efforts nécessaires pour se fixer des objectifs et pour établir un calendrier d'activités. Nous devons augmenter les contacts et les échanges d'information. Il est aussi nécessaire d'identifier nos complémentarités, culturelles ou autres, qui à la longue peuvent apporter des retombées concrètes.

Nous nous devons de mieux assurer la défense de nos particularités fondamentales. Cela revient à l'étape de la revalorisation de la langue et de la culture françaises au Manitoba.

Malgré la faiblesse de nos nombres, la présence linguistique française au Manitoba est loin d'être négligeable. La province compte plus de cinq mille élèves dans des écoles françaises et environ vingt mille élèves dans des écoles d'immersion. La collectivité franco-manitobaine cherche à augmenter les programmes de formation en français, tant au niveau scolaire qu'aux niveaux communautaire et universitaire. A l'heure actuelle, nous tentons de mettre sur pied des programmes plus spécialisés, notamment dans les secteurs de la santé et des communications. Nous souhaitons éventuellement développer des entreprises qui mèneraient à un accroissement de l'activité économique et à une prise en charge de notre collectivité.

Le Québec a relevé le défi de la modernisation et de la restructuration en développant ses secteurs de pointe. Le Manitoba entier pourrait bénéficier sur le plan du développement économique en attirant davantage des investissements québécois dans l'Ouest canadien. La communauté franco-manitobaine est en mesure de faciliter l'entrée et les investissements du Québec dans l'Ouest. Nous voyons la possibilité de créer des partenariats mutuellement bénéfiques entre des regroupements manitobains et des sociétés québécoises. Les chambres de commerce francophones peuvent servir de contact pour les entrepreneurs québécois.

Nous recommandons donc qu'il y ait une redéfinition du Canada et que le Québec reste à l'intérieur de la Confédération. Celle-ci doit être redéfinie en tenant compte du fait que le statu quo, tel qu'il existe à l'heure actuelle, ne reflète pas les aspirations de nombreux Canadiens et Canadiennes. Le Manitoba se doit de dresser sa propre direction en accordant l'importance nécessaire aux besoins de tout son peuple y inclus les besoins de la communauté franco-manitobaine.

Nous recommandons une reformulation de la confédération canadienne qui tiendra compte des aspirations de la communauté franco-canadienne. Ceci peut se traduire par un engagement constitutionnel face aux deux groupes linguistiques officiels. Nous tenons à la préservation de la Loi sur les langues officielles. Nous croyons que l'abrogation ou la modification de cette loi ferait du tort pour tout le Canada entier. Nous tenons aussi à sauvegarder les garanties en matière linguistique qui existent à l'heure actuelle à l'intérieur de la Charte canadienne des droits et libertés.

Nous concédons tous qu'il y aura éventuellement une redéfinition des ententes constitutionnelles, et par ce fait, nous connaissons un nouveau Canada. L'initiative de mettre sur pied cette commission est un important facteur vers l'acheminement de ce processus de renouveau. Il est souhaitable que le résultat final puisse répondre aux aspirations des différentes composantes à l'échelle du pays. Croire au statu quo serait négliger de voir et de reconnaître la réalité canadienne. Il est encore temps d'entamer des délibérations franches et éclairées menant à des changements qui permettraient une co-existence harmonieuse entre les deux groupes linguistiques officiels.

Nous croyons fermement que le fil conducteur qui doit guider notre pays dans le réaménagement de ses cadres réside en la reconnaissance de l'égalité des deux communautés de langue officielle, par delà les frontières des provinces et des territoires. Il est possible de reconnaître l'égalité des deux communautés tout en accordance à chacune d'elles des droits différents selon la situation particulière dans laquelle elle se trouve.

Il faut également bien comprendre que la reconnaissance de l'égalité des deux communautés de langue officielle n'a pas pour effet de nier le statut ou les aspirations d'autres groupes au sein de la société canadienne.

La collectivité francophone convient du besoin de reconnaître aux autochtones la place qui leur revient comme premières nations dans notre fédération.

A notre avis, la notion de premières nations et la notion d'égalité des communautés de langue officielle ne s'excluent pas mutuellement. Il est tout à fait possible de reconnaître ces deux principes simultanément.

La collectivité francophone du Manitoba pose depuis longtemps des gestes concrets par lesquels elle reconnaît la contribution importante des Amérindiens et des Métis dans l'histoire du Manitoba. Citons à titre d'exemple les nombreuses activités du Festival du Voyageur se rapportant à l'histoire des Amérindiens et des Métis, et la large part qu'accordent à cette même histoire la Société historique de Saint-Boniface et le Musée de Saint-Boniface dans leurs expositions et autres réalisations.

Tout en reconnaissant le besoin des autochtones d'occuper la place qui leur revient, la collectivité franco-manitobaine laisse à ceux-ci le soin de définir

les modalités de leur participation accrue au sein de la fédération. Agir autrement constituerait une forme d'ingérence inacceptable.

En ce qui concerne les droits des femmes, l'article 28 de la Charte canadienne des droits et libertés enchâsse le principe de l'égalité des sexes. Il s'agit là d'un principe auquel la collectivité franco-manitobaine adhère entièrement.

Le réaménagement de notre fédération ne doit en aucune manière porter atteinte à ce principe tout à fait fondamental. Ce réaménagement doit sauvegarder les droits des femmes en général, y compris ceux des femmes franco-canadiennes. Ainsi, notre pays doit faciliter d'adoption de solutions qui auraient pour effet de combler les aspirations des femmes.

De plus, la collectivité francophone du Manitoba reconnaît le principe du multiculturalisme enchâssé à l'article 27 de la Charte canadienne des droits et libertés.

Toutefois, les franco-manitobains et franco-manitobaines tiennent à affirmer qu'ils ne constituent pas un groupe ethno-culturel mais plutôt un groupe de langue officielle possédant un statut qui lui est propre.

Nous reconnaissons fort bien qu'une future entente constitutionnelle sera définie en tenant compte de plusieurs facteurs, tels l'économie, la culture, la représentativité internationale, le partage des pouvoirs, etc. mais nous voulons aujourd'hui miser sur une particularité: l'engagement constitutionnel face aux droits des deux groupes linguistiques officiels.

C'est par un engagement constitutionnel que nous parviendrons à faire la juste part des choses et à obtenir une justice équitable par rapport au traitement accordé aux groupes linguistiques officiels. Cet engagement constitutionnel doit se manifester sous plusieurs aspects.

Ainsi, nous sommes d'avis que toute formule d'amendement de la Constitution du Canada doit tenir compte de la notion d'égalité des deux communautés de langue officielle.

Nous estimons en effet que la formule d'amendement doit comporter un volet qui transcende l'arbitraire des frontières provinciales et territoriales et qui serve de point d'ancrage, parmi d'autres, au principe de l'égalité des communautés de langue officielle.

Ainsi, les franco-manitobains et franco-manitobaines auraient voix au chapitre, non seulement à titre de citoyens canadiens et manitobains, mais également à titre de membres de la grande collectivité francophone du Canada. Ainsi, les francophones d'Acadie, du Québec, de l'Ontario et de l'Ouest pourraient ensemble faire valoir leur point de vue, ce qui aurait pour effet de diminuer la polarisation entre le Québec et le reste du Canada.

Ce même principe pourrait être retenu en ce qui concerne la question de représentativité égale des régions au sein du Sénat. Nous sommes d'avis que cet aspect de la réforme devrait être assorti d'une formule assurant l'égalité des deux communautés de langues officielles pour ce qui est des questions se rattachant à la langue.

Ce concept d'engagement constitutionnel, nous continuerons à le véhiculer. Souhaitons qu'il retiendra suffisamment votre attention pour qu'il soit pris en considération lors des négociations. Il serait avantageux pour tous que le Canada reste uni.

^{*} (1120)

Le défi du 21^e siècle est bien de maintenir les particularismes culturels locaux et régionaux dans un monde beaucoup plus intégré, universaliste et interdépendant. Le défi lancé au Canada est de forger une solution à la hauteur de la situation qui puisse même faire l'envie de l'Europe, présentement en quête d'un nouvel équilibre.

(Translation)

Mr. Chairman and distinguished Members of the Task Force, I introduced you to Ms. Cécile Berard, executive director of the Société franco-manitobaine as well as Mr. Edmond Labossière, development officer.

The Société franco-manitobaine is aware that the Manitoba Constitutional Task Force is aimed essentially at studying and analyzing the political and constitutional status of Canada and to formulate related recommendations.

The Société franco-manitobaine is pleased to have the opportunity to give this presentation on behalf of French Manitoba. We believe in a united Canada. The constitutional structure, however, must be changed to be able to attain this goal. Once changes have been made, we believe that the various components of the Canadian mosaic will be able to continue to live together. At the present time, there are several ties between these components, namely, historical, sociopolitical and economic ones. It is especially

important that these ties remain in place, because at a time when across the world there is talk of redrawing borders, everyone is drawn back to their roots. Our brief includes a section on the French history of our province which provides a better understanding of the evolution of our people, our language and our culture.

The media across the country is telling us that the people of Quebec are generally leaning toward sovereignty. We believe that in the near future the Canadian state will certainly undergo profound changes, inside of which Manitoba has not only the right but the responsibility to participate in the constitutional debates that will decide the future direction of the country.

The Franco-Manitoban community wants to grow and wants to have distinct institutions. Concerning our future, we want to influence and to have a say in our own destiny. Is this not also what every Canadian desires?

Our province is relatively young. In Manitoba, only one single generation of Francophones has been able to complete their entire education in French within the public system, from kindergarten to university, and that only recently.

In spite of many problems though, we have survived. As of a couple of years ago, our community has started to acquire its own institutions, a fundamental requirement for survival. The mentality of our young Francophones has changed from that of past generations that often were obliged to live their language in secret or suffer complexes which ensue from a marginal existence.

Although our young Francophones are a minority, they certainly have a different perception of themselves in regard to bilingualism and concerning their integration and role in the Canada of tomorrow.

In spite of our minority status, we have our own aspirations and, little by little, through demands and dialogue, we will succeed in forging ahead.

This presentation outlines our history. A rich history of a proud, talented and tenacious people, deeply tied to its Manitoban roots. To page 7.

During the last few decades, the Franco-Manitoban community has acquired a structure that has enabled it to ensure the survival of French in Manitoba.

In 1968, the Société franco-manitobaine replaced the Association d'éducation des canadiens français du Manitoba (AECFM). Over the years, the mandate of the Société has become more defined. At the

present moment, the Société, together with the entire Franco-Manitoban community and its organizations, has the mandate of protecting the interests of the entire French-speaking community of Manitoba, assisting in the development of French life in Manitoba and promoting French in this province.

Manitoba also possesses a great number of other Francophone institutions that were put into place due to the insistence of Franco-Manitobans who wanted to live their lives in French. In matters of culture, education and economy, the community possesses the necessary structures to ensure a French life with a surprising vitality.

But, for all the number of Francophone organizations in our province, the survival of the French language depends on the use we make of it. It is the Francophones in Manitoba themselves who must believe in the importance of safeguarding this language. However, the Manitoban Government has a major role to play on the level of reasserting the value of our language. The Government must provide the infrastructure and moral support needed to make the job easier.

On November 4, 1991, the Province of Manitoba announced a policy of increased French services in our province. On August 2, 1990, the Government put into place a task force in order to give back to Franco-Manitobans governance of their schools.

It is by continuing to make positive and concrete gestures that we will be able together to normalize French life in Manitoba.

We hope that Quebec manages to find the political framework that will satisfy the aspirations of its people while maintaining a union with Canada. It is essential that we initiate and unrelentingly carry on a productive dialogue in order to find innovative solutions that will enable Quebec to progress in its development while cultivating ties with the rest of Canada. We must also ensure the protection of the assets of the Franco-Manitoban community, namely the Official Languages Act and the guarantees in the Canadian Charter of Rights and Freedoms.

We hope therefore that Manitoba will keep an open mind during the debates regarding the constitutional reform of our country and especially, during the debates dealing with the issue of French-speaking communities within a new Canada.

Franco-Manitobans are firmly rooted in the western plains and intend to stay there. We hope, however, that Quebec stays within Confederation but in a

redefined Canada where everyone can enjoy his rightful place.

In order to evolve, French Manitoba must find ways of increasing agreements for co-operation and collaboration with Quebec on economic, cultural, social and political levels. With the present situation, we must ensure that the ties already in place are strengthened and that new formulas and initiatives be found that will enable our communities to thrive. The co-operation between the two parties must be made official, that is that the necessary efforts be made to set objectives and to establish a timetable of events. We must have more contacts and information exchanges. It is also necessary to identify our similarities, cultural and others, which in the long run could bring about concrete returns.

We must also better ensure the protection of our fundamental distinctive features. This comes back to the reassertion of the value of the French language and culture in Manitoba.

Despite our small numbers, the presence of the French language in Manitoba is far from negligible. There are over 5,000 students in French schools and about 20,000 students in immersion schools in the province. The Franco-Manitoban community is looking at increasing the number of training programs in French, as much on the school level as the community and university levels. At the present moment, we are trying to implement more specialized programs, namely, in the fields of health and communications. We hope eventually to develop businesses that will lead to an increase in economic activity and result in a more independent community.

Quebec has taken up the challenge of modernizing and reconstructing its leading sectors. All of Manitoba could benefit on the level of economic development by attracting more investment from Quebec in western Canada. The Franco-Manitoban community is in a position to help get more investments from Quebec for the West. We see the possibility of creating equally beneficial partnerships between Manitoban and Quebec companies. The Francophone Chambers of Commerce can be used as contacts for Quebec entrepreneurs.

We recommend therefore that there be a redefinition of Canada and that Quebec stays within Confederation. Confederation must be redefined taking into account the fact that the status quo does not reflect the aspirations of many Canadians. Manitoba must devote itself to determining its own

direction while giving consideration to the needs of all its people, including the needs of the Franco-Manitoban community.

We recommend a reformulation of Canadian Confederation that takes into account the desires of the Franco-Canadian community. This could be accomplished through a constitutional agreement dealing with the two official language groups. We are in favour of preserving the Official Languages Act. We believe that the repeal or amendment of this Act would be detrimental to all of Canada. We are also very eager to safeguard the language rights that are presently in place within the Canadian Charter of Rights and Freedoms.

We all know that there will eventually be a redefinition of the constitutional agreements from which a new Canada will emerge. The initiative of setting up this task is an important factor in accomplishing this renewal process. The final result must meet the needs of all the different components of our country. To believe in the status quo would be to neglect to see or understand the Canadian reality. It is time to open frank and enlightened discussions leading to changes that will enable a harmonious co-existence between the two official language groups.

We firmly believe that the underlying principle that must guide our country through the restructuring of its framework lies in the recognition of equality of the two groups while giving each of them different rights according to their particular situation.

It must also be understood that the recognition of equality of the two official language groups will not undermine the status or needs of other groups within Canadian society.

The Francophone community admits the need to recognize the Natives' right to their place as First Nations in our federation.

In our opinion, the notion of First Nations and the notion of equality of the official language groups are not mutually exclusive. It is certainly possible to recognize these two principles at the same time.

The Francophone community of Manitoba has for a long time made concrete gestures through which it acknowledges the important contribution of the Amerindians and Metis in the history of Manitoba. Let us look, for example, at the many activities of the Festival du Voyageur that refer to the history of Amerindians and Metis, and the large part that the Société historique de Saint-Boniface and the St.

Boniface Museum have set aside for this history in their expositions and other productions.

While acknowledging the need for Natives to assume their rightful place in society, the Franco-Manitoban community is leaving the task of defining the methods of their increased participation within Confederation to the Natives themselves. To act in any other way would be unacceptable interference.

Regarding the rights of women, Section 28 of the Canadian Charter of Rights and Freedoms sets out the principle of the equality of the sexes. The Franco-Manitoban community adheres to this principle entirely.

The redefinition of our federation must in no way undermine this fundamental principle. This redefinition must safeguard the rights of women in general, including those of Franco-Canadian women. Our country must help to adopt solutions that will fulfill the needs of women.

Furthermore, the Francophone community of Manitoba recognizes the principle set out in Section 27 of the Canadian Charter of Rights and Freedoms.

However, Franco-Manitobans insist on affirming that they are not an ethnocultural group but rather an official language group that has a status of its own.

We are well aware that a future constitutional agreement will be defined by taking several factors into account, such as the economy, culture, international representation, the division of powers, et cetera, but today we are also counting on one feature in particular: the constitutional guarantee toward the two official language groups.

It is through a constitutional guarantee that we can succeed in taking things fairly into consideration and in obtaining equitable justice regarding the treatment given to the official language groups. This constitutional guarantee must be apparent in many regards.

Thus, it is our opinion that any amending formula for the Canadian Constitution must take into account the notion of equality of the two official language groups.

We consider in fact that the amending formula must include content which transcends the arbitrary nature of the provincial and territorial borders and which serves as an anchor, among other things, to the principle of equality of the official language groups.

In this way, Franco-Manitobans will have a say in the matter, not only as Canadian and Manitoban

citizens but also as members of the Francophone community of Canada. Thus, Francophones from Acadia, Quebec, Ontario and the West can promote their point of view together, which would diminish the polarization between Quebec and the rest of Canada.

This same principle could be applied to the idea of equal representation of the regions in the Senate. It is our opinion that this aspect of the reform should be matched with a formula that ensures the equality of the two official language groups for questions dealing with language.

We are going to continue to advocate this concept of a constitutional guarantee. We hope that it has caught your attention enough to take it into consideration during the negotiations. It is to everyone's advantage that Canada stays united.

The challenge of the 21st Century is indeed to maintain local and regional cultural characteristics in a much more integrated, universal and interdependent world. The challenge before Canada is to find a solution that is equal to the task which could even be envied by Europe that is presently seeking a new equilibrium.

Mr. Chairman: Merci beaucoup, Monsieur Bisson. Des questions maintenant? Madame Friesen

(Translation)

Thank you very much, Mr. Bisson. Questions now? Ms. Friesen.

Ms. Friesen: Bonjour. Je vous remercie pour la présentation. Je voudrais poser des questions au sujet des langues et aussi de l'éducation. Si le Québec va partir, si il prend une autre position dans la Confédération ou dehors de la Confédération, serait-il nécessaire pour nous d'ajouter à la Charte des droits et libertés—de le faire plus fort pour protéger les langues et la culture et l'éducation des francophones hors du Québec?

(Translation)

Good morning. Thank you for your presentation. I would like to ask some questions concerning languages and also education. If Quebec leaves, if Quebec assumes a different role in Confederation or outside of Confederation, will we have to add to the Charter of Rights and Freedoms—to make it stronger to protect the language, culture and education of Francophones outside of Quebec?

Mr. Bisson: C'est pour cette raison, Madame, que nous parlons d'engagement constitutionnel. Ce qui est certain c'est qu'il y aura sans doute d'autres

négociations pour assurer une place au Québec. Quelle que soit la place du Québec, ou quelle que soit l'étendue de la souveraineté du Québec, nous croyons qu'un engagement constitutionnel est nécessaire pour protéger les droits des deux groupes linguistiques officiels peu importe leur place dans le Canada actuel que l'on connaît. C'est-à-dire les francophones à l'extérieur des frontières du Québec aussi bien que les anglophones à l'intérieur des frontières du Québec.

Alors, je pense qu'il sera nécessaire, à l'intérieur de cet engagement constitutionnel qui devra se développer, que l'on traite de cette question de façon très sérieuse.

(Translation)

This is why we are talking about a constitutional guarantee. What is certain is that there undoubtedly will be further negotiations to ensure a place for Quebec. Regardless of Quebec's place or the extent of Quebec's sovereignty, we believe that a constitutional guarantee is necessary to protect the rights of the two official language groups no matter where they stand in the Canada that we know, that is to say, Francophones outside of Quebec just as much as Anglophones inside Quebec.

So I think that it will be essential, within the constitutional agreement that will be developed, that this question be treated very seriously.

Ms. Friesen: Et qui adresse les questions de la Charte et aussi les autres arrangements constitutionnels?

(Translation)

And that addresses the questions of the Charter and other constitutional arrangements?

Mr. Blisson: C'est justement ça. Je crois que ces arrangements constitutionnels doivent être définis. Ça sera à partir des négociations qui seront sans doute au cours des prochaines années.

(Translation)

Precisely. I believe that these constitutional arrangements must be determined. It will be from negotiations that will probably take place over the next few years.

Mr. Chairman: Des autres questions? Monsieur Carr?

(Translation)

Any other questions? Mr. Carr?

Mr. Carr: Have there been any discussions either formal or informal among Francophone groups outside of Quebec? Have you had discussions with Francophones in Ontario or New Brunswick to discuss some kind of unified position that you might take leading up to these new negotiations?

Mr. Blisson: There have been a number of discussions in the past years. As you probably know, there is a federation of Francophones outside of Quebec that meets three times a year on a regular basis. As a matter of fact, there will be a meeting in two weeks from now in Ottawa. This topic is being discussed regularly. As a matter of fact, a year ago we were in Winnipeg and this is when the federation of Francophones took their position in terms of the ratification of the Meech Lake Accord. So, yes, there are discussions, and the discussions are ongoing.

Certainly the federation will take a position in terms of where it would like to see the Francophone community outside of Quebec go within the new Constitution that we will probably be talking about. We are certainly looking at a redefined Canada. I think that as Francophones we want to make sure that we have a place in this new Canada of tomorrow. I think that we also want to make sure that we can establish and continue to have good linkage and bonds with the Province of Quebec.

Mr. Carr: Since the protection of linguistic minority rights is very similar among Francophones who live outside of Quebec and Anglophones who live inside Quebec, have you had any discussions with Alliance Quebec or other organizations inside Quebec in order to see that you can be speaking more or less out of the same hymn book on this one?

Mr. Blisson: Well, it is certainly very appropriate that you would ask the question, because I just came back last night from a week tour in the province of Quebec with six other members of the Francophone community to speak with a number of people, a number of organizations in the province of Quebec. On Thursday, we met with Alliance Quebec. We met for a couple of hours. We have discussed some of the situations that we have in common, perhaps some of the aspirations that we may have as groups living outside of Quebec and within the province of Quebec.

I think the important factor within the mission that we had last week in Quebec was that it became very important also for the Francophone community of Manitoba to establish very strong bonds and links with many groups in Quebec to make sure that we can

continue and to build upon this relationship that is being established and has been established in the past.

Regardless of where Quebec goes in the future, I think that this bondage between Francophones outside of Quebec and Quebecers themselves must continue, and we must build on that.

So, yes, we do have some discussions. We have had some discussions with Alliance Quebec and other groups.

Mr. Lathlin: (Cree spoken) Let me translate that for you. I cannot speak French fluently, although I have taken French from Grade 7 to Grade 12. I have always been fascinated by the French language. At that time when I was in Grade 12, I thought I was going to go on to become fluent in French. But I am proud to say today that I still speak my mother tongue. Just as I am sure that you are proud that you are still able to speak your mother tongue.

When I started school, I did not know a word of English. When I got to Grade 7, they told me to learn a third language. My question was, do you believe that the aboriginal right to self-government should be entrenched in the Canadian Constitution?

Mr. Blais: My first response to you is that I too am very proud that you can speak your mother tongue. I think it is very fortunate that some of us continue to build on that and continue to learn the language that is closest to us when we are born, and I think that is very important. So I am also very proud that you have kept your mother tongue.

We have indicated in our brief to your commission that we feel that the aboriginal people, the First Nations, certainly have a very, very important place in this Canada that we know today and the Canada of tomorrow. I certainly feel that within the negotiations that will be held to redefine the Canada of tomorrow I think that the aboriginal people have a very important role to play, and that they should be there, they should be at the negotiations.

I think that the situations that we have seen in the past, particularly during the past couple of years, certainly indicate that there is a solution that should be sought to the problems that are quite evident at the moment. Yes, I do believe that they should be there.

Mr. Chairman: Des autres questions? Madame Friesen.

(Translation)

Any other questions? Madame Friesen.

* (1130)

Ms. Friesen: Je crois que la communauté franco-manitobaine a souffert beaucoup avec les coupures fédérales, n'est-ce pas, à la Radio Canada. Y a-t-il des positions que la société a pris au sujet de ces programmes sociaux généraux du Gouvernement fédéral?

(Translation)

I believe that the Franco-Manitoban community suffered a lot with the federal cuts to Radio Canada, did they not? Has the Société taken any position concerning these general social programs from the federal Government?

Mr. Blais: Concernant les coupures à Radio Canada?

(Translation)

Regarding the cuts to Radio Canada?

Ms. Friesen: Et tout les autres programmes sociaux.

(Translation)

And all the other social programs.

Mr. Blais: Je dois vous dire que nous avons réagi assez fortement concernant les coupures de Radio Canada. De fin, je peux vous dire que, lors de notre rencontre au Québec la semaine dernière, nous avons rencontré des autorités de Radio Canada pour parler de cette situation devant laquelle nous faisons face aujourd'hui. Sans doute que nous devons apporter certaines réaménagements quant à la façon de permettre notre communauté de se valoriser.

La programmation locale permettait à la communauté franco-manitobaine de réellement voir ses succès. Tout cela est disparu. Je pense que le réseau de Radio Canada, ici sur le plan régional, s'est penché sur cette question. Un groupe de représentants de la communauté franco-manitobaine se sont aussi rencontrés pour voir ce qui pourrait se faire dans le futur pour s'assurer que l'on puisse tenter de corriger ce qui s'est passé avec ces coupures budgétaires.

Alors, sans aucun doute, la communauté s'est penché sur cette question. Nous voulons sans doute apporter certaines recommandations qui pourraient atténuer les effets néfastes de ces coupures.

(Translation)

I must say that we reacted quite strongly regarding the cuts to Radio Canada. De fin, I can say to you that during our meeting last week in Quebec we met with the authorities of Radio Canada to speak about this

situation that we are faced today. Undoubtedly we are going to have to bring about some readjustments regarding the way in which we as a community increase our standing.

Local programming enabled the Franco-Manitoban community to really see our accomplishments. That has all disappeared. I think that the Radio Canada station here on the local level has looked into the problem. A group of representatives of the Franco-Manitoban community also got together to see what could be done in the future to ensure that we can attempt to correct such a thing from happening again.

So without any doubt the community looked into the question. We certainly want to bring about certain recommendations that could alleviate the harmful effects of these cuts.

Mr. Chairman: C'est tout, Madam?

(Translation)

Is that all?

Ms. Frissen: Oui, c'est tout.

(Translation)

Yes, that is all.

Mr. Chairman: Merci beaucoup encore pour votre présentation.

(Translation)

Once again, thank you very much for your presentation.

Mr. Blason: Thank you very much.

Mr. Chairman: Ladies and gentlemen, we are going to take a short break now. When we return—is Mr. Keith McRae here? You will be the first presenter when we return, Mr. McRae. **(Interjection)**—About 10 minutes, I think. Is Mr. Henteleff here? Not yet, thank you.

The hearing recessed at 11:31 p.m.

After Recess

The hearing resumed at 11:47 p.m.

Mr. Chairman: Good morning, sir, thank you for waiting. Mr. Keith McRae. Proceed when you are ready. Do we have a written text from you, sir?

Mr. Keith McRae (Private Citizen): I think it is coming to you right now, sir.

Mr. Chairman: Okay. Thank you.

Mr. McRae: Well, sir, before I came to this panel, I would like to thank you all for allowing me to come here today. I have written to the Prime Minister of Canada. I have written to the Leaders of both Opposition Parties already on this subject. I have written to 38 Members of Parliament and spoken personally in Winnipeg with two Members of Parliament, John Harvard and Bill Blaikie, on this subject.

I strongly believe that, myself, I am a discriminated against Canadian in a way that you may never ever have thought. I do not want to come on and sound childish in this claim of discrimination, but it is real. I have had to pay the price, a serious price, and it goes on and on every day in this country every 12 minutes.

By my resume, I have a belief that the Charter of Rights states that every Canadian is guaranteed a reasonably secure home in a democratic society. The way I look at the picture, if I am sitting in my home, and I have a six of beer or a mickey of Smirnoff Vodka or a carton of du Maurier cigarettes, no one will ever come in my house, but should I take a seed, a very simple, natural form of life, and put it in the flower pot and grow a marijuana plant for my own use—I am a 40-year-old man—the Government has come into my house and broken my front door, taken me away in handcuffs in front of my neighbours, in front of my children, all because I put a seed in a flower pot.

The metaphysics of this activity is simple creation, growing a plant, something—we have a Thanksgiving, we thank the Lord for growing all the vegetation for our Thanksgiving. Yet we turn around and we take our tax dollar, and in 1989, 61,000 Canadians were charged with simple possession of marijuana in one year. There are only approximately 9,000 hours in one year, and 61,000 Canadians were charged. It averages out to five Canadians an hour or one Canadian every 12 minutes, every hour of the day. We can afford to pay a judge, a Crown attorney, a court clerk and a police officer to be in attendance to talk about someone smoking a plant that grows naturally while Canadians spend \$13 million a day on tobacco and \$17 million on booze.

It is an incredible comparison but, at the same point, I have been smoking marijuana in Canada for 24 years since the Beatles album Sgt. Pepper's. I am a member of a group of people that includes the Beatles bass player Paul McCartney, who has been arrested in seven countries in the world for simply possessing a plant that grows naturally. Nowhere in any Koran or

any Bible or any book that I can find does it justify the incarceration, the jailing, the holding against the will of another citizen solely for the possession of a plant.

* (1150)

They put me in a cage with thieves and thugs. I had to sleep in the PSB or Headingley when Canadians, the judge himself, can go home and have seven scotch on the rocks tonight and say, honey, I did a good job today, you know, I sent another one down to Headingley. He was caught with two grams of pot. This is what happens every 12 minutes, yet we have high resolution, digitally recorded advertisements relating to Molson's, du Maurier, Seagram's.

Today, sir, while I was sitting out there getting nervous, I get The Globe and Mail for February 9, page 3: Tobacco and brewing industries get a break. We are talking about numbers. The new rules will affect about \$1.3 billion annually in tobacco taxes. The numbers that I have in my records indicate Canadians spend \$5 billion a year on tobacco and \$7 billion on booze. These are big numbers. We take 80 percent of our booze sales, which is if it is \$7 billion, we take \$5 billion and we apply it positively.

We turn around and you have the black market. There are people out there, while everyone is working their job, trying to build a country, on the black market collecting—RCMP estimates Canadians spend as much on marijuana as they do on tobacco. Well, it is \$13 million a day.

If Canadians were controlling marijuana like beer and wine, firstly it is harder today for a kid on the street to buy a bottle of beer than it is to buy a gram of hash. Because adults sell beer to adults, you have to have picture I.D. The black market will sell hash anywhere. I am 40 years old and I feel that myself, after having driven a taxi for 20-odd years in Canada, from Vancouver to Montreal and Winnipeg, and I have driven people to the cancer research from smoking cigarettes all their life, something I do not do, but the provincial Government sells the cigarettes. I drive people home every day who cannot even tie their shoes, but the Government sells the Seagrams to them. I am allowed to do this and make a living, but I am not allowed to, in my own home, in the privacy of my own world, do something that—whether it be Bernie Ruoff who went off to the Hamilton Tiger Cats and ended up in the Grey Cup or the captain of the Stanley Cup champions who I smoked a reefer with. It does not matter. I have smoked marijuana with a

Member of Parliament's brother; I have purchased marijuana from an MLA's son-in-law.

I have felt that while it is in this society, every 12 minutes we pay a judge, a Crown attorney, a court clerk and a cop. Legalizing it, you could pay a doctor, a nurse, a school teacher and a day care worker with the existing reserves, market it just like beer and wine and have an honest society. Today police go onto the force to protect society. To a marijuana smoker, I have a certain—and I respect these guys for trying to protect my children from bad guys, our goods that we have all purchased from working, but no, every 12 minutes they are going to charge someone with marijuana.

While we know the difference between tobacco and alcohol, it is pretty easy to tell the difference between marijuana in its natural form and crack and heroin and cocaine. They are white powders. By legalizing a natural substance like marijuana, you could ensure that any chemical narcotic from a factory, i.e. crack and cocaine, could be treated with a higher priority. Every 12 minutes you are depleting the efficiency of the police force and, on the same end of it, allowing heroin and cocaine to be sold because the police receive so much drug information.

Today, the perception of marijuana is one of, it is a drug, it is in narcotics, what is this guy talking about? When in actuality, I have explained to you that the advertising that we have had for the last 20 years, where we have beer vendors and we have clubs that can sell all of the beautiful spirits that you could ever imagine—grasshoppers and everything—that is very fine, you know, but for someone to do something as natural as grow a plant for their own use in their own home is—and to realize that your home can be intruded by the police in such a way that they will turn over every drawer and everything you have got because you have some marijuana, it does not seem fair.

In Winnipeg recently a woman, for a second offence of marijuana, one gram of marijuana, three cigarettes, she received five months in the Portage jail. She served three months and two weeks straight time for one gram of marijuana. I realize it was her second offence, extenuating circumstances. Then later that month, a man appears, guilty of rape, for sentencing with 22 letters of reference for a first offence rape, gets 90 days to be served on weekends, intermittent because the defence explains that it would be a financial hardship to his family if he got straight time.

He rapes a girl, gets 90 days on weekends, and a woman gets five months for one gram of marijuana.

In Winnipeg, a man jumps on his wife's neck in a heated discussion, aggravated assault, two years less a day, yet a man sells 112 grams of marijuana for \$850, which is the market value today of this highly exorbitant, overly-priced substance, and he gets three years. We are willing to spend, I do not know how much money it costs to keep that man in jail for selling \$550 worth of marijuana, when Canadians are going to spend \$13 million today on du Maurier. Another example, a man drives through a bus shack in Toronto killing four 17-year-olds, drunk. Whether he has an Iezuzu or a Chevrolet in his hands, he knew the game and he killed four people.

A conspiracy to import marijuana—Bob Wilson—conspiracy to import means he was thinking about bringing a plant, something as I have explained to the metaphysics of creation is just a simple plant growing on another side of a boundary that was drawn by two dead surveyors back in history. He is thinking about bringing a plant from one part of the earth to another part, just thinking about it. We did not find any pounds. We did not find any laws. We sentenced him to seven years. He serves five years and three months for thinking about bringing a plant that God grows. If we do support this God grows thanksgiving goods, I do not see in the book. It says all the herbs are for the service of man, and any herb by dictionary definition is a biennial, perennial or annual—it dies at the end of a growing season—is a herb.

We do not have the right to take citizens and put them in prison for possession of a herb. To do unto others as you would have them do unto yourself is totally ignored when you put someone in jail with thieves and rapists and everything, and then all go home and have a Molson Light at the lake. That is my presentation.

Mr. Chairman: Thank you very much, Mr. McRae. Are there any questions?

Mr. McRae: Every 12 minutes this is going to go on, and every minute the Molsons get richer. The largest killer of teenagers today in North America is alcohol and alcohol-related accidents, not marijuana and its usage, yet the Government sells alcohol. We have AFM, we have got cancer treatment, but marijuana is something that has totally been miscatalogued.

It should be controlled like beer and wine. A more honest society could exist. A policeman trying to protect my home I respect, and I would love to buy

the guy a coffee, and if I had six beer and I was on my way home, everything is fine, you know. I am going home and this is cool, but to get a gram of pot cost me—you would not believe the price increase in 20 years in Canada, \$110 pound of marijuana is now \$2,700, a \$110 pound of hash is now \$4,000.00. In Canada this price has evolved just in 20 years.

I write to the Solicitor General of Canada. I says, sir, I suggest with all the limitless funds, the RCMP and your judicial system, you have not really stemmed the use of marijuana, but only created an incredibly lucrative black market. He writes back to me and says, sir, in four years since I have had the anti-drug profiteering Act in place, my team has confiscated \$20 million in cash and assets—\$20 million, four years.

Canadians spend \$5 million a year on tobacco, so if they do that on pot and the RCMP released that information that I suspect is the same, while Canadians spend \$20 billion in four years, the Solicitor General is making \$132,000 a year to think. He writes me, a dumb cab driver, and says he has only collected 1 percent of the Mafia's collections, \$20 million, and he thinks he is doing a good job. I could get 80 percent of that by selling at the liquor store.

Mr. Chairman: Thank you very much, sir. We have your written presentation as well, which is a summary, I believe, of what you have been saying to us.

Mr. McRae: Yes, sir. Sir, it is probably unbelievable that someone would come down here and say this to you today, but every—

Mr. Chairman: Well, it is certainly a different presentation.

Mr. McRae: I knew that.

Mr. Chairman: The first one we have had of this kind so—

Mr. McRae: But every 12 minutes this happens. I had to sleep in jail, and you get in there and they hand you a burning joint. You pay an attorney to get you through the whole system, and this thief hands you a joint in jail.

* (1200)

Mr. Chairman: Thank you, sir. The next presenter is Ms. Janis Kaminsky.

Good morning, Ms. Kaminsky.

Ms. Janis Kaminsky (Private Citizen): Good morning. I think you have the information here, so I can go through it fairly quickly, I guess. I opt for a strong central Government with the awareness that

checks and balances are a necessary part of such a Government. If Canada is to be a recognized world entity and a positive influence, we can be much more effective if we demonstrate that Canadians from all areas and backgrounds can live together co-operatively, having fair and equal treatment throughout the country.

We cannot use force to retain Canada and the Canadian identity, but a greater danger is to so dilute central authority that neither federal nor territorial nor provincial Governments have enough strength to be effective in making the best use of our opportunities. If that happens, I almost hate to say it, but I think Canada would be better off reduced in size, rather than larger and fragmented. Unity at any price is not a reasonable thing in my mind.

Canada has the opportunity to become an effective blend of aboriginal, bilingual in French and English, and multicultural characteristics. As individuals, sometimes we add features from other heritages while maintaining our own heritage, but still as a nation we can be made up of all our diverse backgrounds.

Canada is a young country, comparable, I think, to being a teenager trying to find ourselves. I believe we can do it and that the effort required will be worthwhile, and I think as a start we can slow down this headlong rush into changes. The Meech Lake Accord was a good example of bad use of time frame. Also, we can place more importance on people rather than money. Let us get away from the 10-second TV clip and the 30 pieces of silver mentality.

I hope that Governments are not just paying lip service with all the hearings. I think Canadians are far more willing to co-operate than we are given credit for. Do something positive for all this effort. I must admit to a rather great distrust of Government at the time, but I am still willing to try. Some people suggest that, like England, we do not need a Constitution. I think we do. England has had 1,500 years to develop and establish traditions under a far less world pressure-cooker condition than we now face. We do not have the luxury of that kind of time span.

In presenting my ideas, I will refer to some parts of a publication called, *A Consolidation of the Constitution Acts of 1867 to 1982*. I did not read it all. I got lost in the complexity of some of it, but what I understood I found very interesting.

Going through some of this, then, as far as the Senate is concerned, I think it should be kept. I think

it is an essential part of our system and the checks and balances that are required. Senators could be elected, and this would then assure recognition of authority. The number of senators, and I have just sort of drawn this out, perhaps 80: 10 from each of Quebec and Ontario, and six from each of the remaining provinces and territories. This would provide some recognition for the two large population provinces. Despite the differences in population and physical size, for instance, B.C. and P.E.I., I think the numbers of senators can be equal from the other regions.

Senators should have no political affiliation. This would allow elected senators to consider what is best for Canada and the area they represent without having to answer to Party line. I am told this is a pipe dream. For starters, who is going to help with the election costs, and so only rich people could run, and so on. Perhaps we could put a cap on election expenditures, require the candidate to provide two-thirds of the amount, with maximums on donations, and have one-third come from federal funding. The saving in reduction from 104 to 80 senators for salaries, pensions, additional benefits, offices, et cetera, would help quite a bit in funding the federal portion.

Otherwise, elections at regular intervals of four or five years on a specific date, and this would allow for a different time frame from the House of Commons, where I think the times should be more flexible, as they are now.

The powers: I am not too sure about this, but I think basically as they are now. If they are going to be there and be effective, then let us have them have some clout. There were a number of other things that I saw in the Constitution that I found interesting. I thought that the \$4,000 worth of assets over liabilities did not seem to be a great deal in this day and age, so probably get rid of a specified amount there.

Legislative powers: I have indicated a support of strong central Government, so obviously I would retain the current list, return some provincial or territorial powers to federal, for instance, immigration, which has just been moved even more firmly, and add perhaps some new ones. The reason here for strong central control is to enable provision of nationwide standards, to ensure equality and fairness throughout the country. In international relations Canada needs one voice representing the country, not a cacophony of sound from potentially 12 different areas. We must not always be asked or be asking ourselves, who speaks for Canada?

At the top of the list are things like the environment, health care, natural resources, education, postal services, et cetera. That is, those topics are items that are relevant and form a connection to all parts of the country.

One of the classic problems comes in education. We all know how difficult it is for a student who must move from one part of the country to the other, or how to compare the educational levels in various parts of the country. Standardization probably would also help much more for disadvantaged regions.

I would like to see a change in handling natural resources, such things as electrical power—I just noticed a typo error there on my typing—forestry, fisheries, oil, et cetera. I believe these belong to Canada and should not be the exclusive property of any one region. Maybe what we should do is sort out the portion of the benefit from the resource—and again I just chose some arbitrary figures—65 percent to 70 percent be for that territory or province and the lesser portion go to the federal Government to be applied to an equalization payment system.

Provincial and territorial jurisdiction would cover items that are unique to, and do not directly affect, populations in other regions. Territories, provinces should not be allowed to opt out of federal programs unless they adhere strictly to the national standards for those programs.

* (1210)

I skipped along to the section of fundamental freedoms, and this has to do with freedom of the press, opinion and belief. I was wondering if we could add there, "provided there is no harm or derogation to any person." Maybe this is covered in the Criminal Code or somewhere, but perhaps it would not hurt to reinforce it there.

Under equality rights in the section that deals with no discrimination on race, colour, religion and so on, in both of those I think I would add "sexual orientation" to the list of groups.

Under the official languages, and this covers a number of sections here and they state the sentence—and I have forgotten it in its complete form—but it ends up that it is the responsibility of the Government of Canada, and I would add there, "and in all territorial/provincial Legislatures of Canada." This is what now is the situation in New Brunswick is that languages are guaranteed equality—French and English—in New Brunswick. That is spelled out. I think if we make this right across the country, we could

delete the portion that refers specifically to New Brunswick.

It could reaffirm the bilingual nature of Canada, and I think in all reason we would have to allow some time for this to happen. I do not know, 15 years, but some time that we would work towards this as a definite object and not delay this unnecessarily for 50 or 100 years.

I would add to this area of official languages a section that deals in some way in the following: "In provinces/territories where aboriginal languages predominate, provision be ensured to accommodate those languages." Also, somewhere I would like to see something providing for services in Braille and signing. Signing, I think, is fairly common, but I am not too sure how much is put out in Braille.

Minority language rights: Again, this has to do with the education in your first language. I would like perhaps to see added here: If a person moves, retain the right if they move from their original province to another province or territory where a similar linguistic ratio prevails.

I would like to add here a new section, or see added: "Where either French or English is the language of instruction, instruction in the alternate language be provided in primary and secondary schools to a level sufficient to provide functionally literate oral and written knowledge in that language." In other words, if you are getting your education in French, then get some of your experience in English so that at least you can communicate and vice versa. If we can talk to each other, we will be a lot better off. I wish I could have.

In general, the section on No. 28, which has to do with the rights and freedoms equally for male and female, I think I would like to add just as an insurance here: "without prejudice regarding sexual orientation."

The application of the Charter: This should be rewritten to recognize the entity of the Yukon territory and the Northwest Territories so that they no longer appear as an afterthought to the Parliament and Government of Canada.

A similar situation exists in Part 4, under Constitutional Conferences, where the Yukon and Northwest Territories are subject to the indignity of relying solely on the opinion of the current Prime Minister, whether they are invited to the conference or not. I am not sure whether this still exists. I found another section somewhere that said that had been

deleted, but I could not figure that one out. Anyway, I do not think that is fair at all.

And 33, if this is the infamous notwithstanding clause, I think we should seriously consider getting rid of it. I know it is going to be pretty hard, but I think we could try. It has been abused several times already, and the possibility of increased use is cause for concern.

The rights of the aboriginal peoples of Canada: I do not think that I am really qualified or indeed have the right to comment here. At this time, this section is primarily up to the Canadians of aboriginal heritage. Perhaps in the future when the mistakes of some of our predecessors have been corrected we can offer our suggestions.

I would say, though, very firmly and in probably unconstitutional language, that Canada had better get off its butt in a heck of a big hurry and talk honestly and fairly with Canadians of aboriginal heritage. Like the territories, both territories, the Yukon and Northwest, they should not have to wait for an invitation. The Lubicon and the Oka situations are but two glaring examples of adleheaded action.

The procedure for amending the Constitution: 38 seems to be pretty good, the 7 percent and 50 percent requirement. I do not like the unanimous agreement bit; I think it invites veto powers just by simply disagreeing. There should be a specified format for dealing with proposed amendments. One idea is to publish proposed change or new ideas, hold public hearings, modify if necessary, publish the final proposal, determine the final acceptance or refusal, and I think in that final determination any meetings or whoever is meeting, those meetings should be open to the public, broadcast as widely as is possible and not just on local cable TV. How many people that live out in the country have cable TV? How many can hear these things?

The list that I have got is maybe too cumbersome, but somewhere it has got to get in there, and maybe it should not be entrenched in order to allow some flexibility, but let us sort this one out.

There is 42(1)(e) that says that provinces can extend into the territories, but there is no mention of the territories extending into the provinces. It seemed a little odd to me.

Where provinces are dealing with something that seems to be unique in their own area, I think that we should still use the 7 percent and 50 percent idea. What applies in one province now may not seem to

apply anywhere else, but I think we should all have a look at what is happening and what is being dealt with in that province. I guess the immigration thing is one thing that is coming up. It is one area and dealt with the province and the federal Government. I think that is not right.

As a final bit, I think it is sad that in their quest for preservation of language and culture some people in Quebec want to leave Canada and therefore also abandon other areas in Canada, for example, Acadians in New Brunswick and many other such French-speaking heritage centres. If they are worried now about being a relatively small area in a larger sea of English-speaking Canada, the sea will be much more worrisome when it becomes the North American continent. Also, I think that Canada is much better off with Quebec and with building on the uniqueness of our officially bilingual and multicultural heritages.

As a final, I think, let us stick together, eh. That is it.

Mr. Chairman: Thank you very much, Ms. Kaminsky. Are there any questions?

Ms. Friesen: Thank you for the presentation. I am interested in your views on the Senate and also the fact that you are very strongly for extending, in fact expanding federal powers and taking things from the provinces and putting them into federal jurisdiction. It seems to me that the things that you hold dear, the strong federal Government, the social programs, the national use of resources, most of the gains that we have made in those areas have been accomplished by the House of Commons. I am not quite sure why you want to give extended powers to the Senate. Have you considered that? Why do we need—you say automatically we need checks and balances. Why do we need checks and balances? Why do we need to check a democratically elected House of Commons which has accomplished so much?

* (1220)

Ms. Kaminsky: My immediate reaction would be that all we have to look at is the current Government, but I tried very hard to stay away from the criticism of the current situation. I guess I have to come back to that. Somehow I think that power is being abused at the moment. Whether this is better done through the Senate or whether it would be a different election system, I did not get into that at all.

Ms. Friesen: So what has caused you to say this is the difficulties that Canadians have perceived over the last few years. Do you think if that is the case, and

I do not know whether that is true or not, but if that is the case that has led you to believe that, should we in fact be thinking of restructuring our entire system based on that experience of one particular Government over a few years?

Ms. Kaminsky: I guess if you mean restructuring in the sense of election and the powers of the two bodies, I am not sure that I would want to lose the two bodies of Government as I suppose the idea of getting some new ideas or some fresh ideas from the second House, so to speak. I think quite often if you are in Government and you are trying very hard to bring forward legislation—I guess it is almost like trying to write this thing. You get so close to it that you are not always really sure that the wording you put down is right or what you intend. If somebody else has a look at it, like for instance the Senate, they can maybe come back and say: Well, is this really what you meant, or is this really what you want, or is this really what is best for the country?

I guess that is what I have in mind with that. It is we get perhaps back to what I think was the original intent of the sober-second-thought bit.

Ms. Friesen: So that is really your focus, not so much the expansion or greater clout for the Senate, but the idea of a sober second thought.

One of our other presenters has suggested that the sober second thought could be accomplished by an inter-Party parliamentary committee. What do you think of that, a House of Commons parliamentary committee that was composed of all Members, representing different Parties I should say? Would that accomplish the same kind of sober second thought?

Ms. Kaminsky: I suppose it would depend on whether the committee was set up—or partly anyway on the ratio of the House of Commons. If it is set up on the same ratio, then you have the same problem again of strength. The other—something else came to mind there.

Oh, and then you see, is that—would that be elected Members or would it be—

Ms. Friesen: Yes.

Ms. Kaminsky: Oh, well then, okay. That is fine, because otherwise you are appointing another non-elected group to deal with that.

Ms. Friesen: I think that was the intent of his suggestion, anyway, yes.

Ms. Kaminsky: To take some of the M.P.s and make a committee out of that group.

Ms. Friesen: Yes.

Ms. Kaminsky: I do not know. I had not thought of that one. It might work, although I can see the danger of one strong group again in there.

Ms. Friesen: Yes, thank you.

Mr. Chairman: Thank you very much, Ms. Kaminsky.

Ms. Kaminsky: Good. Thank you.

Mr. Chairman: The last presenters this morning will be Dave and Marianne Bueckert.

Mr. Penner has kindly agreed to go this afternoon. We basically have seven minutes left in this morning's session.

I understand the Bueckerts have about a 10-minute presentation. Would you come forward, please. That is not meant to intimidate you, sir, just facing realities of time.

Mr. Dave Bueckert (Private Citizen): Thank you. Mr. Chairman, Members of the committee, ladies and gentlemen, it gives me great pleasure to make this presentation here. I am the product of a radical environment, and I think my presentation is probably going to reflect this, so apologies in advance.

I would like Canada to be a sensitive, just and democratic society. As a nation, I believe there should be many commonalities; for example, there should be only one official language. At present we are squandering a lot of resources, promoting divisive languages and cultures at the expense of the taxpayer. I feel that people who want to promote another language or culture ought to do it at their own expense.

I further believe that all Canadians ought to have equal access to health and welfare, education, justice and security. There should be no regional barriers to communication, transportation, trade, mobility and jobs. We should have a common legal system, currency and no—I repeat—no different, special or distinct status should be accorded to any region or people. To make grants or concessions to one province without extending them to the others or to our first Canadians is fundamentally wrong and violates moral and democratic principles.

Realizing that Canada has many problems, I am convinced that the federal Government is, in fact, the creator of them. Lacking vision, honour and courage, the federal Government is consistently cultivating diversity rather than commonality. While we should

expect immigrants who come to this country to have an appreciation of, and be prepared to adopt our way of life, language and culture, we offer to accommodate and adjust to theirs. As an example, people who find it offensive to wear the RCMP uniform are excused from doing so, and if you feel that you should wear a kirpan, then by all means do so; we will simply adjust to your needs.

Many people who have come to this country, either recently or as long as 400 years ago, are fighting this country rather than fighting for this country. As a result, we have French-Canadians, Native-Canadians, English-Canadians, Vietnamese-Canadians, et cetera, et cetera, but we have no Canadians. We are all hyphenated. We have no commonality, only diversity. Having so many different languages and cultures, we do not understand each other.

Not knowing the meaning of *beurre lait*, for instance, I bought buttermilk and put it on my cereal. That left a bitter taste in my mouth for a long time. Not only is it a nuisance and inconvenience to have two official languages, but it can also be a source of danger. Bilingualism has failed wherever it has been tried before.

To make matters worse, the Government promotes hostilities by its discriminatory language and cultural policies of allocating jobs and benefits on the basis of ethnicity, sex and age. Applicants for some jobs or benefits must not only be speaking French, but be of French ancestry. Others must be Indian, female or under a certain age. It is the WASP middle-aged male who more than anyone else is systematically victimized by official discriminatory policies.

Currently our worst problem, I believe, is political. We have two cultures—the French and the Indian—who are threatening to dismantle this nation, and there is no indication that our Government will have the wisdom, the will, or the courage to deal with this. To discourage Quebec from its intent, our Government has consistently resorted to bribery, favouritism, and status (distinct). The smaller provinces are being reduced to hewers of wood and drawers of water just to appease Quebec. Manitoba lost its bid for the CF-18 contract to Quebec, even though Manitoba offered the better deal. Manitoba also lost a major portion of its CN Railway repair business and Air Canada overhaul facility to Quebec. In terms of investment, nine provinces are systematically prostituted while Quebec gets the pay.

Quebec and Francophones have too often been accorded favouritism, not only from Mr. Mulroney, but also from his predecessors, Messrs. Trudeau and Pearson. Although the Quebec Act of 1764 and the British North America Act of 1867 provided for the French people to keep their institutions, land, laws, religion and language, the Act did not require the federal Government to impose French institutions and language on others, and yet that is exactly what the Government is doing.

If the use of French was as restricted anywhere else as English is restricted and controlled in Quebec, there would be a hue and cry of racism. Consider the following: A southern Manitoba meat packer had thousands of packages destroyed, because the label was in English only. Antifreeze was seized from a Winnipeg warehouse for the same reason. Packaged products may not be imported for distribution unless the label is also in French. In Quebec, merchants can be prosecuted and their merchandise destroyed for having English on their signs.

* (1230)

Benefits and jobs too are often denied to those who do not speak French. On the last page, I have an illustration of that.

Management trainees: national—It says here, the federal public service is recruiting 50 management trainees. Go down to the next paragraph. Basic requirements are: written communication skills, demonstrated interest and aptitudes for management, bilingualism or ability to become bilingual, and mobility.

If I am not bilingual and cannot become bilingual, then this offer is not open to me.

Did someone say, no one is forcing French down anybody's throat? While the use of English is by law restricted in Quebec, the use of French is promoted by law everywhere else in Canada. Mr. Mulroney actively and vigorously promotes French in all of Canada while sanctioning Quebec's active and vigorous suppression of English.

Our system is obviously not working. Our rigid Constitution promotes a static society and abrogates from the democratic process. If we must have a written Constitution—and I am not sure that we do, England does not have one—it should be easy to amend to provide for a dynamic, changing and evolving society. It is not very likely that 400 years from now the society is going to have the same needs as our present society has.

Why should we have a Charter of Rights now? I do not know how this fits in here, but I am required to address that point as well. Why should we have a Charter of Rights? Its sole purpose is to protect people from the due process of the law and should be at least accompanied by a charter of responsibilities which, among other things, would make it a crime for lawyers to knowingly withhold relevant information from the courts.

We have basically a one-man Government, the Prime Minister. He independently appoints his Cabinet, who serve only to advise him. Neither the Cabinet, the House of Commons nor the Senate has any choice but to rubber stamp his decisions. When Pat Carney, a senator, voted against the abortion Bill, she was turfed out of the constitutional committee. Party whips must be replaced with free votes. I feel that our senators ought to be provincially elected, control all major Government spending and decisions, and they as well as the M.P.s ought to be subject to instant recall and prosecution for violation of our trust. It is very clear to me and many others, some of whom feel so alienated from the process that they do not even vote anymore. I am trying to hurry, I am sorry. We must implement a system of checks and controls to protect us from our Government.

Where are the younger people? You do not see any of them here. I do not see them here. I suggest to you that it is not apathy that keeps them from getting involved, but alienation. They think of politicians as a bunch of self-serving criminals. If this forum was not about overthrowing the system rather than repairing it, the younger people would be out here in droves. Perhaps this is the fundamental reason for the active political climate in Quebec. It approaches the overthrow of an existing system. Having worked with younger adults for 25 years, I believe I am qualified to make certain observations.

Mr. Mulroney's favourite word is generosity. To him the meaning of the word is like a one-way street, however. All generosity is to be in favour of Quebec and/or the French, not the aboriginals who are the first, albeit ignored, Canadians; nor the English, who generously allowed the former by the terms of the Quebec Act as well as the BNA Act to keep their land, religion, law and language, are by far the majority.

Quebec is not being denied autonomy for itself, even though she is denying the same for the Natives who have historically and morally more rights to self-government than anyone else. The federal

Government forces French on nine provinces while allowing English to be suppressed in Quebec.

Although the provinces denied Quebec the special constitutional powers it was seeking through Meech Lake, it is now gradually getting those same powers and more, albeit administrative, directly from Ottawa. Mr. Mulroney is prepared to pacify Quebec at any price. It is Mr. Mulroney who has done more to destroy Canada than any other person or event.

Threatening to separate, Mr. Bourassa demands sovereignty in 24 areas, and I am not going to read them. He wants joint control in 10 areas, and he wants the central Government to have exclusive control only in four areas.

Mr. Bourassa wants Quebec to have veto rights in Parliament and Quebec's courts to be supreme in his province.

Even though Quebec shows every indication that separatism is imminent, Mr. Mulroney continues to invest huge amounts of money in regional development in Quebec.

Quebec's demands are so sweeping that there is nothing left to express national purpose, unity, value or commonality, and ought to be firmly denied. Separation is not one of Quebec's options and advocates thereof ought to be charged with treason.

Mr. Chairman: Are there any questions? Thank you very much, Mr. Bueckert.

Mr. Bueckert: Thank you, sir.

Mr. Chairman: We are now adjourned, ladies and gentlemen, until 1:30 p.m. this afternoon, when we will resume our hearing of presentations to the Manitoba Constitutional Task Force.

...

The hearing took recess at 12:36 p.m.

After Recess

The hearing resumed at 1:38 p.m.

Mr. Chairman: Good afternoon, everyone. Welcome to our second session of this day, many sessions before this one in other parts of Manitoba and here in Winnipeg. Before I call on our first presenter, I would just like to highlight a couple of our rules. You will have seen in the pamphlets what we would ask you to consider. We like to apply the same rules to everyone obviously. The speaking time when you are called is 20 minutes. There will be a bell after 15 minutes and

a second bell after 20, when we would ask you to be kind enough to conclude your remarks. Then there will be a question period. Sometimes there are questions, sometimes not. It is up to the Members of the task force if they wish to ask presenters questions.

I would now like to introduce the Members of the task force who are here with me this afternoon. Starting on my far left is the Honourable Darren Praznik, who is the Member of the Legislature for Lac du Bonnet and is Minister of Labour and Minister for Workers Compensation in the Manitoba Government. Next to him is Ms. Jean Friesen. Ms. Friesen is the New Democratic Member of the Legislature for Waseley. On my immediate left is Mr. Jim Carr, the Deputy Leader of the Liberal Party and Member of the Legislature for Crescentwood. Moving to my right, at the end of the table is Mr. Oscar Lathlin, the New Democratic Member of the Legislature for The Pas. Next to him is Mr. Jim McCrae, the Member of the Legislature for Brandon West, Minister of Justice, Minister for Constitutional Affairs in the Manitoba Government. On my immediate right is Mrs. Shirley Render, the Conservative Member of the Legislature for St. Vital. My name is Wally Fox-Decent.

* (1340)

Welcome, everybody and welcome, our viewers on Channel 7 on television.

Our first presenter this afternoon is the Assembly of Manitoba Chiefs, and I would like to welcome Chief Phil Fontaine. Good afternoon, Chief.

Mr. Phil Fontaine (Assembly of Manitoba Chiefs): Good afternoon. I first want to introduce the people with me here. To my right is Elder and Honourary Chief Angus Merrick. To my immediate left is legal counsel, Moses Okimaw, and my far left, Chief Robert Wavay, Chairperson for MKO.

Before I begin the presentation, I want to call on Elder Angus Merrick.

Mr. Angus Merrick (Assembly of Manitoba Chiefs): Is this working?

Mr. Chairman: I think it is working, Chief.

Mr. Merrick: Thank you very kindly. I am glad I am here this afternoon. I received a tobacco as an invitation. According to the Indian ways, instead of a letter they give you tobacco to be present. I am so honoured this afternoon because I am here with all the rest of you people here this afternoon. I am going to talk my Native language which I learned from my mother. We would like to carry on our own language

because I see the younger generation are losing that language, and maybe that is a lot of our problems too, when our young people tend to lose our culture and our Indian ways of life that was meant for us to follow. So this afternoon I say thank you for allowing me here this afternoon.

(Ojibway spoken—translation unavailable)

Thank you very kindly. Thank you, all.

Mr. Fontaine: Mr. Merrick, by the way, is 89 years old. So we are really proud to have him with us here this afternoon. We are not going to provide any translation. We thought the task force would be able to do that, but since you do not have translation for Ojibway, Cree or Dakota or Dene, we will leave it up to your imagination to figure out what Mr. Merrick had to say. -(applause)-

We are here to talk today about justice. It is the basic value that inspires and guides constitutional reform.

The First Nations have received no constitutional justice in the history of this country now called Canada. The Assembly is confident, however, that this task force has the generosity and commitment to change the course of history. Our written brief outlines six principles of constitutional justice for aboriginal peoples. It contains 19 recommendations for their fulfillment. The six principles are not new or radical; they are the basic principles we have been advocating for years. They are supported by the people of Canada, but they are not yet accepted by the federal and provincial Governments.

The six principles are simple. They all respect, recognize and protect who we are, the First Nations, with inherent sovereignty, with the inherent right to govern ourselves. We have always been nations; we have always had sovereignty, given to us by the Creator.

Before Europeans came to our land, we had flourishing and sophisticated systems of Government. We had systems of nationwide and local decision making; we had systems of leadership; we had rules about relating to each other as individuals, and sanctions for the violations of rules. We had systems for the economic use and protection of Mother Earth; we had intergovernmental and trade relations with other First Nations. In short, we were sovereign, we had control over our lives, over our land and our future.

We have never given up our sovereignty. What has been taken from us is our freedom to practise it. Since

Confederation, Canada has had three orders of Government: aboriginal, provincial and federal. Since Confederation, however, the federal and provincial Governments have done everything in their power to prevent us from practising our sovereignty. What have they done? Governments have tried to wipe out our cultures, our spirituality, our traditions and institutions. We have been punished for speaking our languages; our institutions of government were made illegal; we were shunted onto tiny reserves; the treaties we signed as independent nations have been broken and are still being broken every day by both the provinces and the federal Government. Governments do not treat us with respect or justice when they try to control every aspect of our lives. They continue to deny our sovereignty, the reality of our existence as nations. They practise a lie and force their lie on us.

We believe our inherent right of self-government is already in Section 35 of the Constitution, but we firmly believe that it must be explicitly recognized and protected. Without explicit recognition the other two levels of Government will continue to control our lives and our destiny as they do now and have done in the past. The resistance to self-government for the First Nations is shocking and completely unjust. We are still told, by politicians, for example, that self-government for First Nations is too abstract and general. We are told that it cannot be explicitly protected unless it is defined with great precision and in lengthy detail.

* (1350)

People who ask this question forget that all constitutional provisions are drafted in general language. More importantly, the question indicates a profound misunderstanding of the reason for explicitly recognizing self-government. The very point of expressed recognition and protection is to give us constitutional freedom to define our Governments for ourselves. A detailed description and definition of self-government for First Nations defeats the purpose of the recognition. Moreover, it would deny the diversity of First Nations. It would force us all into the same box, as the Indian Act has done for over a century.

What we need is constitutional space. Space is created by getting the other Governments off our backs, not by fencing us in, yet again, with detailed orders and constraints.

The insistence on a definition also indicates a misunderstanding about the meaning of Government. Self-government means for us what it means to you—the powers of legislation, administration and adjudication over the peoples of our territory. It includes for us what it includes for you—jurisdiction over our land, the freedom to organize our societies into political units, the power to pass laws without interference by other Governments, the power to administer services to meet the needs of our people and adequate physical resources to meet our responsibilities. Self-government for us, as for you, is the freedom to define our collective identities, the freedom to determine our own future and the freedom to flourish and prosper as peoples.

We know what is necessary for self-government. First, the other two Governments must take their foot off our necks. They must stop trying to control everything we do. Some simple easy action can be taken immediately. The Indian Act can be radically revised and the Department of Indian Affairs can be abolished. The province can work with us to achieve these two necessary steps at the federal level.

The province can also stop violating our treaty rights. By charging us when we exercise treaty rights to hunt or fish, the province denies our unique rights and freedoms as aboriginal peoples.

In our submission we propose an independent office to uphold treaty rights at both the federal and provincial level. It is surely the epitome of injustice and disrespect for Governments not to honour their commitments, commitments that are now entrenched in the Canadian Constitution.

Second, the other two Governments can agree to amend the Constitution of Canada. Constitutional jurisdiction over critical areas like education, health and justice must be transferred to the First Nations. The Constitution Act of 1867 lists the powers of the federal Government in Section 91. It lists the powers of the provincial Governments in Section 92. We are the first Governments of this country. There must be another section listing our powers as Governments, maybe a new Section 90.

As well, Governments must expressly recognize in the Constitution our right of aboriginal title. We share our land with you. The First Nations are caretakers of Mother Earth, not owners. Governments must stop asserting the lie that they own all the land. Truth and justice, perhaps the very survival of Mother Earth, demands no less. Governments can work with us to

develop methods for intergovernmental co-operation on resources. This is our land, yet we have very little say over economic development or environmental protection. Our lack of power over our land has led to environmental devastation and destruction of our economies. We see many steps that could be taken immediately to recognize our sovereignty. Yet opponents of the First Nations keep raising objections. For example, they argue that self-government is impossible, because many of our citizens now live in cities and not on reserves, but self-government is not impossible in cities.

As a third order of Government, we can negotiate arrangements with other Governments for cost sharing and delivery of services for our people when they live in cities. The federal and provincial Governments shared jurisdiction over all Manitoba citizens. Why is it difficult to imagine jurisdictions shared among three Governments? Moreover, aboriginal peoples in cities can govern many institutions directly, such as educational institutions and child welfare services.

We have no choice but to question the sincerity of the people who keep throwing up objections to self-government for the First Nations. We remind the task force that in 1989 representatives of the three political Parties in Manitoba signed a declaration of First Nations. They recognized our inherent right of self-government. We expect them to live up to their commitment.

We cannot overemphasize the importance of explicitly recognizing and protecting self-government for the First Nations. We are being suffocated by your laws and policies. We need room to breathe, room that is protected within the Constitution. Full self-government is critical to our well-being and prosperity as First Nations. It is critical to the well-being of all aboriginal women and men. It will be exercised with the full and equal participation of all citizens of First Nations, women and men. It will be exercised in accordance with our traditions, not in accordance with the European systems or values.

Self-government for the First Nations is also critical to the collective well-being of all Canadians. The future of all Canadians will be impoverished by the further denigration and denial of the rights of First Nations. Without self-government, Canada will continue to bear the shame of its unjust treatment of First Nations.

Our existence as First Nations requires other constitutional changes. Truth demands that First Nations must be recognized as the original and fundamental characteristic of Canada. The First Nations are the original characteristic, because we were here first. We are the fundamental characteristic because of our land, and without land there would be no Canada.

The Constitution must also recognize First Nations as distinct societies with our own languages, cultures, traditions and institutions. All Governments must have an obligation to protect and promote our distinctiveness. The cultural genocide of the past must never be repeated. When the Constitution is changed to reflect the reality of our existence as nations, Canada will have gone a long way toward achieving constitutional justice for aboriginal peoples.

Justice also clearly requires that our rights and aspirations of First Nations have the top priority in constitutional reform. Our claim for priority is very simple. We have been waiting the longest. Even though we are the First Nations, we are completely ignored in every round of Constitution making up to 1982. In 1982, we fought hard to have a measure of recognition for our very existence as First Nations in the Constitution.

In 1987 we were told we had to stand in line behind Quebec. We saw our rights placed in jeopardy by the Meech Lake Accord. We have no quarrel with the aspirations of Quebec, as we made clear during our victory over Meech Lake. We have the same aspirations. As distinct nations, we have the right to control our collective destiny, and our need is greater. We have not had the good fortune to have been a province for the past 125 years. We have not had our Governments protected in the Constitution. Our history has been the reverse. The Canadian Governments have tried to wipe out our existence as nations.

Even though our claim is stronger, attention is again focused on Quebec. New proposals are announced every week from Quebec and elsewhere that address its concerns. For First Nations, these proposals are the same old story. They do not give us justice or respect. For example, last week the Allaire report from the Quebec Liberal Party proposed a massive transfer of federal power to the Quebec Government. We are concerned about any shift of power to the provinces. Historically, provinces have not been friends of the First Nations.

We cannot support any proposal from Quebec or elsewhere that does not recognize our rights and our sovereignty. The Allaire report ignores the First Nations except as an object of power for the Quebec Government. Again we are being treated with complete disrespect, as mere objects for other Governments to control, rather than as nations with inherent sovereignty.

Nor can we support Senate reform as the top priority. We appreciate that western Canadians are tired of having their interests ignored by a distant and unfeeling federal Government, but the First Nations have experienced the same problem for the past 125 years and to a far greater extent. Our rights and interests are constantly violated and trampled upon by both the federal and provincial Governments.

* (1400)

If you take justice seriously, as we do, you will clearly and without qualification give aboriginal issues top priority in constitutional reform, but these changes will not be sufficient. The process of Constitution making must also be changed to recognize our existence as a third order of Government. Without such change, we will remain at the mercy of First Ministers who will take away our rights with the roll of a dice.

As the third order of Government, we have the right to participate as equals in constitutional talks. We also must be included in the formulation of proposed amendments. No Canadian, surely, wants to see another Meech Lake Accord, another deal made in secret by 11 men and foisted upon Canadians without their input or consent. Our participation as equals in Constitution making applies to all changes to the Constitution of Canada, those requiring the consent of the federal Government and the provinces.

An individual province can take action on its own to provide for constitutional justice for the First Nations. It can amend the constitutional documents of the province to recognize our inherent sovereignty. We urge the Province of Manitoba to take these steps, and we have drafted our recommendations with the provincial Constitution in mind. Manitoba has the power to take the lead in constitutional justice for First Nations. Aboriginal peoples and all people of the province expect and hope that Manitoba will show the way to all Canadians as it has done in the past.

These opportunities for the province prove a basic point about constitutional reform. Anything is possible with commitment. What has been lacking in the past

is political will by non-aboriginal Governments. We have been generous and fair. We have the commitment to a just future for all Canadians. We are angered by the roadblocks placed in our way by many politicians and by the federal and provincial Governments. We understand when our people put up real roadblocks in response, and we urge the task force to make a commitment to constitutional justice for First Nations. Justice demands top priority for aboriginal peoples and explicit recognition of our sovereignty.

Our spirit is strong, and we will always survive. We want you at our side, not on our backs. As equal partners we will both go much farther and achieve much more for all our peoples. The First Nations must not and will not wait any longer for constitutional justice. Our patience is wearing thin. Our time is now. Our children must not and will not be kept waiting for the justice our great grandparents deserve.

Meegwetch. -(applause)-

Mr. Chairman: Thank you very much, Chief. Questions now from Members of the task force. Lots of support. Fantastic.

Ms. Friesen: Well, it is not a question, it is a statement simply to say that I want to thank you for coming. I recognize that this is an important step for the Assembly of First Nations to have agreed to attend yet another of these kinds of sessions.

I think for my own part I will acknowledge that and say thank you for giving us another chance. I recognize also that what you have offered is two broad sets of principles, one that will guide us in establishing the kind of freedom within the Constitution that you are looking for and that we all should be looking for, and also the very clear and specific guidelines you have given us for the changes that could take place immediately within Manitoba and Canada. Thank you.

Mr. Fontaine: Meegwetch.

Mr. Chairman: Chief, I just want, if I may ask you or through your legal adviser, whether we are clear that the amendments to the Manitoba Act would require the consent of the federal Parliament and the Legislature of the Province of Manitoba. That is the way I understand any amendments to the Manitoba Act would have to be made by that process. I just want to make sure that we are in the same agreement on that issue.

Mr. Moses Okimaw (Legal Adviser, Assembly of Manitoba Chiefs): Yes, we deal with that on page 43

of our main written submission. That is our understanding too, although there is some controversy among scholars and legal scholars about that. That is our understanding; that is our recommendation.

Mr. Chairman: Mr. Carr has a question.

Mr. Carr: Chief Fontaine, I would also like to thank you very much for the insight and the sensitivity of the presentation. My question is whether or not the Assembly of Manitoba Chiefs has reached out to Native people in Quebec as discussions are now gathering in pace across the country, so that Native people will speak with one voice? To report to us if he can, the feeling of Native people in Quebec and how he sees an evolution of that expression from coast to coast as we move toward a critical moment in our country's history.

Mr. Fontaine: We have reached out to aboriginal peoples, not just in Quebec but right across the country. We have been in communication with the First Nations in Quebec through our offices in Ottawa and through our own office here in Winnipeg. First Nations in Quebec are as concerned as First Nations across the country that they are not being treated fairly, they are not being treated justly. Though the PQ proposals, of course, generated some fair comment because of the suggestion that the PQ, if they were to form the Government of Quebec, would recognize the sovereignty of some First Nations in Quebec.

So you have that mode and it swings over to response to the Allaire report which calls for massive decentralization of federal powers. Well, any suggestion for the decentralization of Canada and its powers and responsibilities meets with some very serious concerns unless the decentralization that is to take place, if it was ever to take place, would come with a very clear recognition that the responsibilities and powers would be as well decentralized to First Nations.

Mr. Chairman: With just a footnote, Chief, and that is that it seems possible that Clause 90 might soon be a vacant clause, in that it refers to the federal powers of disallowance. You talked about a new role for Clause 90.

I would like to thank you on behalf of all of us for coming today. I would like to thank Elder McKay for his excellent beginning—

Mr. Fontaine: Merrick.

Mr. Chairman: I am sorry. I missed the name.

Mr. Fontaine: Angus Merrick.

Mr. Chairman:—Elder Merrick for his beginning and for those who came with you. Thank you very much.

Am I missing a question? Sorry, Oscar.

Mr. Lathlin: I was not going to ask a question. The staff, Phil, and Moses and Robert . . .

(Cree spoken—translation unavailable)

Mr. Chairman: Not yet gentlemen, I am sorry, not yet. To those of you who are on the list for this afternoon, I must advise you we have a couple of presenters left over from this morning. We just could not get everybody in this morning, and so I will now revert to the morning list to finish it.

I would ask Mr. Lloyd Penner if he would come forward, please. Is Mr. Henteleff here?

Mr. Lloyd Penner (Private Citizen): I am Mr. Penner.

Mr. Chairman: Yes. I know. Is Mr. Henteleff here? Good afternoon, Mr. Penner. Go ahead please and thank you for waiting from this morning.

Mr. Penner: it was very educational, and I did not feel I was wasting my time at all. I am sorry I do not have my report written out; it was only in the last couple of days that I decided to come. I also developed a rather severe cold in the process as well, so you will have to bear with me.

* (1410)

I do not want to take away anything from the presentation before. In fact, I almost wish there was time to stop and reflect on the vision that was presented to us before. I think that it is time again for us to dream dreams and come up with visions of what we want for Canada, and that is basically what I am here for.

I teach Canadian History or used to teach Canadian History at the high school level—

Mr. Chairman: If I could just ask you to hold on a second, sir. Those of you moving out of the room at the back, would you mind just keeping it down, please, we are trying to hear a presentation at the front. I do not think they can hear me. Go ahead, Mr. Penner.

Mr. Penner: At the moment, I am working on my doctoral degree in Canadian history at the University of Manitoba and, having been studying our history for the last while, some new thoughts have come to me in regard to that which I want to share.

So I want to share a little bit on how I arrived at the position that I am going to take about the Constitution.

In teaching high school in the '70s we were filled with optimism that we were creating a new Canada, a bilingual Canada, a Canada which was going to be a place where both French and English were going to have an equal place. I fell in love with that notion of Canada, even though my background is really neither English nor French, at least not in the original language.

I made every opportunity to defend the programs of the federal Government, bilingualism, biculturalism, to high school students who would often question them. I was optimistic in that period and well into the '80s that we could accommodate these distinctives in Canada. In fact I cheered very loudly, as I am sure all of you did when sovereignty association was defeated in the referendum in 1980.

I even, at a certain stage, was prepared to go along with Meech Lake thinking that perhaps that might put our constitutional problems to rest, that we finally might get something settled. At the same time I had great misgivings about the leaving out of the aboriginal people, the process involved and many other aspects. I was in fact even prepared to appear before the hearings last July and say that on balance we should give Quebec one more chance, we should pass Meech Lake and hope we could improve on it later.

Since then I have, shall we say, crossed the emotional Rubicon. The accumulation of things that have been happening have convinced me that we need to chart a new course, and in fact the Native people, Canada and Quebec need to allow each other to be free. We need to allow ourselves to create something new. We need to allow ourselves to realize that it might be better, in fact I believe it is better for us to give ourselves the emotional distance to be free of each other and to start over again.

In that sense we were reminded of the Biblical phrase that Moses said, to let my people go, because as we look back in Canadian history we have not been very often free to be who we are as a people. We have imposed our identities on each other. We have imposed a certain interpretation on each other.

Quebec has always been distinct, and we in English Canada or in the rest of Canada have been unwilling to recognize that, and as a result we have been fighting a rear-guard action for well over 100 years, not wanting to recognize that.

If you look at the reasons why Quebec entered Confederation and if you read some of the literature,

it is very clear that the reason they entered Confederation was to find a better way of preserving their distinctiveness. That was their understanding right from the start. They had different motives. We can question the motives if we want, but those are the facts. Ontario had its own motives as well in terms of developing the West as its economic hinterland and the Maritimes as well.

So we need to catch up in our history. We need to reread history and realize that right from the start that was the motive for Quebec joining Confederation, among some other reasons as well of course.

We have lacked understanding for each other, because we have not recognized that goal and that motive and that distinctiveness. It seems to me now, we have to, if we are going to survive as a country or even recreate something, start speaking the truth. We have to look at our history honestly and say, this is the way it was: We had our Riel crisis; we had our Manitoba schools question and many other crises related to schools; we had our conscription crisis. In fact, what is discouraging in looking back into Canadian history is that there are so few nation-binding events. Every nation needs projects that are going to bind it together. I can think of very few in which we could say that practically all Canadians were enthusiastic supporters of a project; perhaps Expo '67 or the Canada-Russia series in 1972. Beyond that, whether it was schools or bilingualism or other things, they have always been somewhat divisive. That puts us under a strain. It makes things difficult right from the start.

Quebec has in the last 30 years done everything to define itself as a nation, with a strong culture, language, building a strong economy, a strong identity. We need to recognize that. We need to recognize it in the sense that this nationalism has an inner logic and the more I study it, the more I am convinced that the natural, shall we say, logic of this nationalism is separatism or sovereignty association. We might as well face it. We may be able to build something else after that, but we need to face the facts. Whether it was the Quiet Revolution in the '60s, or the Parti Quebecois winning 30 percent of the popular vote in 1970, or the PQ in power in 1976, or the referendum which of course really only suffered defeat because of the fears of Quebec for economic isolation and a lower standard of living.

Frankly, they are tired of us saying no to them, and I think we are tired of them asking. I think it is time that we face the facts and say the present arrangement is

not working. In fact, we need a mutually agreed upon divorce or at least an emotional divorce so that we can start rethinking about what this country is all about.

It could be in fact, you see, that once we do that and let them go, and they let us go, that we can have a better relationship in the long run, however that relationship would be. I think it is time we give up this fiction of a united Canada which exists only on paper.

What kind of Canada do I want? First of all, it seems to me—and by the way, when I am using the word Canada now I am assuming that Quebec will have left us, in terms of what this future would be. First of all, I think a country at its best is a family and a community where all the members are valued and equal and where you can feel at home everywhere. That, in fact, is the most positive aspect of nationalism and patriotism. We pride ourselves in a way on not being very patriotic, but I think sometimes we carry that too far. We need to find symbols that we can unite around. When I see the Canadian flag being trampled upon in Quebec, that hurts, and we need to acknowledge that that hurt is real and stop trying to assume that they can do it, but we cannot—not that we should trample on the Quebec flag—but let us be honest about our emotions, because our emotions are involved in this.

We need to in Canada then find common projects, common things that unite us, and I think we can work these out. We need, first of all—the first project has to be finding and making sure that the aspirations and needs of our first citizens are met fully.

I think what I hear from Native people is not that they want to separate from Canada, but they want to find an equal status within Canada and work together with white people to create a new Canada. They are not talking about separation for the most part. There is no reason why the presentation as it was presented before here could not be reached. If we started asking ourselves the basic question, let us start from scratch. What kind of Canada do we want?

* (1420)

Secondly, we need to work toward a more just, equitable, economic system. Poverty, as we know, is growing in Canada, regional disparity, and we need to ensure that our policies deal with that question and, of course, we cannot go into detail.

We need to welcome new Canadians, and they need to feel that they can contribute to this Canadian identity. Now that means, of course, that we have to work on our identity, and we have to know who we are so that we can welcome them. We also need to

recognize a Canada where each province and region is recognized where it can make important contributions.

The grievances of the West are real. They will not go away, and they should not go away, because they are real. My reading of Canadian history shows that right from the start, there has been a basis for western alienation.

To accomplish this and much, much more, we need to maintain our common values and institutions. This is where the federal Government has to play a crucial role. I was astonished earlier today when I heard the first speaker this morning talk about the intrusion of the federal Government into provincial affairs. Canada would not exist if the federal Government had not taken the initiative, and it was her own Party, in fact, under John A. Macdonald that saw that very, very clearly. I have to say that maybe we have to start teaching our Canadian history again in more detail.

Canada, with its geographic differences, and with its regionalization and so forth, would disintegrate without a strong federal Government. That does not mean that the federal Government cannot be made more sensitive to the aspirations of the regions and provinces. That is certainly true, but when it comes to things like promoting national standards of health care and education and economic opportunity, there is simply no other instrument that we have to do that. Of course, for a have-not province like Manitoba we simply could not survive with our present standard of living without transfer payments.

Let us embrace the federalism. Let us not keep knocking the federal Government. Let us ensure, of course, that it is responsive, but let us remember what it was created to do in the first place. The federal Government also will have a role in counteracting excessive regionalism.

Sometimes when I hear people talking about Canada becoming like a Switzerland with a canton system, I again scratch my head and I ask myself, have these people either studied Canadian history, or have they even studied Switzerland? Switzerland is a compact, small country surrounded by other nations that more or less balance each other out in terms of power. We, of course, live beside a giant who, friendly though it is, is a constant cultural, at least, threat to us and, at times, economic threat. This whole movement that we have experienced toward globalization in the world does not call for less and less Government and federal Government in the economy and in the rest of

our institutions. In fact, there will be tremendous demands put on our federal Government to keep the pieces together in the midst of this globalization and movement towards freer trade, whatever the merits of that are.

The fact is, it is when things are beginning to be threatened, when the parts are beginning to go their own way, it is exactly then when we have to find the things to keep the pieces together and that includes the CBC, that includes our national railroad system, that includes our whole series of national standards. Now we can, of course, negotiate certain subagreements once we have agreed on the general principles, but what I am calling for in Canada is that we work towards common principles that we are going to implement.

I would like to make a few just specific suggestions on how to achieve these goals and none of these are particularly new or necessarily even that inspiring, but I think they are important. Thomas Jefferson, when he was playing a big role in creating the American Constitution, never expected that Constitution to last more than one generation. He felt that the new needs of the nation would require some modification.

So in that sense, we should not be upset with the fact that we have to make changes to our Constitution. The only problem is, of course, that we do it piecemeal fashion. We never are able to satisfy all the groups at once and as was made clear in the last presentation, we ignore whole sections that are important in our society.

So I would propose, and I know that some other historians whom I discussed this with believe this as well, that in English Canada or shall we say the rest of Canada, we need to hold a constitutional convention and not even wait for Quebec to come up with its final proposals. In this constitutional convention, the people of each province and the aboriginal peoples must elect delegates at which we basically put everything on the table, once we have agreed on what the principles are, of course, and that would have to be discussed as well.

Let us discuss our principles. Let us agree on what we want, and then let us implement a Constitution incorporating the best of what we have had, but also be open to new things. I think we should be prepared to study other Constitutions in the rest of the world, even our neighbours to the south for a few of their points. So, let us be willing to emotionally start over again and practically, as well, so that we can start

building a unified and meaningful Canada again. Of course, the aboriginal people would have to then be involved right from the outset in formulating the principles and also at every other stage.

Right now my greatest fear is that with what is happening in Ottawa, we are going to see an attempt to accommodate the Allaire Report. There will be sort of a halfway position between what we have now and what the Quebec Liberals want. Again, we will satisfy nobody. We will not stop Quebec nationalism, because that has an inner logic of its own and has to be allowed to work itself out. It has shown over and over again in the last 30 years that it ebbs and flows, but it never goes away. So, we have to give them freedom to do what they want.

I have to say that I do not trust the present federal Government to really represent the interests of the great vast majority of Canadians outside of Quebec. I firmly believe that the vast majority of Canadians outside of Quebec want a relatively strong federal Government with clear principles and with clear standards. So rather than allowing our present federal Government to create another constitutional sort of boondoggle, we as citizens in the rest of the provinces, perhaps, need to get together and work on this constitutional convention. That will include—and I just throw out a few points here—a reformed House of Commons.

I grew up respecting the House of Commons immensely. I remember visiting it about 15 years ago and being rather overawed by the history and everything there, and yet I have to say that my respect for it has tended to go down, like other Canadians.

I really think that the excessive partisanship, which sometimes is exhibited there, does not serve us well, that often truth and honesty are lost in the process. As a result, people are dissatisfied with the federal Government. We need to also make it more efficient. I believe strongly in efficiency, in accountability. There is nothing that says that a strong Government has to be necessarily an expensive Government. We have to find new and creative ways of dealing with that. I think also we need to, as someone suggested otherwise, make many of the votes in the House of Commons more free, so that people can represent their constituents and their own conscience more directly, and perhaps have elections only every four years on a regular basis except if there was an overturn in a House of Commons confidence vote which was on a major issue.

As far as the Senate is concerned, if we are going to keep it, then we need to give it clearly defined powers so that it has a very meaningful role, and where it fits in with our general understanding of Government, where it would represent provinces and so forth. I think it probably should be elected.

The Supreme Court, I think, needs some reform. I think the justices should be appointed subject to hearings by the committee, or by committees of the House and the Senate. I think we can learn something from the American example there, where there is some scrutiny so that the Government in power cannot have complete control, and have no accountability for the judges that it appoints. Now, much more would have to be worked on than this in any constitutional convention.

In conclusion, I would just say that we need to be willing to, I think, in Canada, take the bull by the horn and to be willing to ask the tough questions. What do we really want in Canada? Not what we are going to settle for, but what we really want. I think Quebec is making it clear what it wants. The aboriginal people are starting to make it clear what they want. For the rest of us, we have got to do the same thing, and be willing then to state the truth.

We need leadership that is going to help lead us in this direction, and I know it is difficult, especially for federal Parties today, to face this question honestly, because they have to try to keep all the different regions together. I was, for example, very disappointed the other day when I heard somebody whom I rather respect, the Premier of Ontario, Bob Rae, being sort of pushed into a corner on this, and when he was asked about the Allaire report, simply saying, well, they mentioned the word Parliament and they mentioned Canada. That was all he could say that was positive in the Allaire report. I think we need political leaders who have the courage to say what they really mean and what they really stand for. I think Quebec will respect us for that.

* (1430)

I have talked to some Quebecers and even was at a political science conference at the university yesterday, and—okay, I will just finish here. It is very clear that they want to keep English Canada's or the rest of Canada's respect. If we will take the bull by the horns and decide what we want, then they will respect us. In the future, of course, once there is mutual respect then who knows what could happen, and I do

not know what will happen. I will just close on that note.

Mr. Chairman: Thank you, Mr. Penner. Any questions? Ms. Friesen.

Ms. Friesen: You say that you are prepared to accept a separate Quebec, and yet you hold very strong values about the rights of minorities I assume and also aboriginal peoples.

I wonder what kind of safeguards we should be looking at, what kind of principles are going to be involved in that kind of separation for the protection of those kind of rights. How do you feel about that?

Mr. Penner: I have to be honest and say I have not thought of and/or prepared to say what detailed ways we could work this out. It has to be in the context of mutual respect.

I am of the feeling that once a group like Quebecers who have felt so long that their aims have been frustrated, once they have achieved what they want, first of all there will be a psychological let down to begin with and secondly there will also be, I think, when they feel secure, more willingness to respect minorities within their group, whether it is aboriginal people or English-speaking people because right now they see at least that the English Canadians are sort of like a fifth column almost to some extent. They have historic roots in Quebec but still there is a fear there that whatever they give them, they are taking away from themselves. So I have a feeling with a separate Quebec, you could see after a transition period a more generous attitude toward minorities of all types, of all kinds, and of course, hopefully also with the aboriginal people. We cannot guarantee it of course but it is not working, what we have now. We are tearing each other apart, and let me tell you I know that there are lots of people who have long since, you know, given up hope and are now just sort of in limbo, hoping that something will happen. We have to take, like I said, the bull by the horns and define what we want and the sooner the better.

Mr. Chairman: Thank you, Mr. Penner. Mr. Yude Henteleff, Manitoba Association of Rights and Liberties. I now call on B'nai Brith represented by Mr. David Matas. Good afternoon gentlemen.

Mr. Gabriel Broder (Regional Director for the Mid West B'nai Brith Organization of Canada): Good afternoon. My name is Gabriel Broder, and I am the Regional Director for the Mid West B'nai Brith Organization of Canada.

Mr. Chairman: Could I just get your name once again, sir, please?

Mr. Broder: Gabriel Broder. B'nai Brith is the world's largest Jewish service organization with over approximately 500,000 members throughout the world wherever Jewish communities happen to be. Here in Canada we have approximately 30,000 members, and one of the branches of B'nai Brith, Canada is the League for Human Rights, which is extremely active and in the forefront of the battle against race hatred and bigotry and promotes multiculturalism and interracial understanding. Without any further ado, I would like to present Mr. David Matas, who is the senior legal counsel for B'nai Brith, who will make our presentation.

Mr. David Matas (League for Human Rights): What I presented to you is two components. One of them is on behalf of the league and deals with human rights issues, and the other is something I have written personally and deals with more general issues. I will go through the league presentation first. I will try to highlight them both. The first position we take on behalf of the league is that the Canadian Charter of Rights and Freedoms should predominate no matter what constitutional arrangements Canada enters into, whether it is sovereignty association, the loosest of Confederations or even if Quebec separates entirely.

The Allaire report recommends that the Court of Appeal of the Province of Quebec should be the final court of ruling on matters relating to Quebec's jurisdiction. The Quebec National Assembly would be asked to adopt a new Quebec Constitution which would involve the primacy of Quebec laws within Quebec. Their proposal is also to entrench the Quebec Charter of Rights in the Quebec Constitution and, in case of conflict, have it prevail over the Canadian Charter of Rights and Freedoms.

It is our position that the Canadian Charter of Rights and Freedoms should remain entrenched in the Constitution for Quebec as well as for the rest of Canada. The Canadian Charter of Rights and Freedoms should have primacy over all the laws of Parliament and over all the Legislatures of Canada, including the Quebec National Assembly. The Supreme Court of Canada should be the final court of ruling on all matters relating to the Canadian Charter of Rights and Freedoms, including matters within the jurisdiction of the Quebec National Assembly. The Canadian Charter of Rights and Freedoms should prevail in case of conflict over the Quebec Charter of Rights.

There has been much reference within Quebec to the European Economic Community. Many of the proposals coming out of Quebec emulate the institutions across the Atlantic. We suggest, if regard is to be had to institutions in Europe, a much more valuable example for Canada is the Council of Europe, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Commission of Human Rights and the European Court of Human Rights.

The Council of Europe is not a federal or confederal institution, nor is it a form of sovereignty association. It is simply an association of sovereign states meeting together. It has, nonetheless, approved for adoption the European Convention on Human Rights, which all the states of Europe have signed and ratified.

The European Convention on Human Rights has priority over all the laws of the European states, including their Constitutions. It can be invoked directly by individual citizens in each of the European states. Individuals can appeal a violation of their rights directly to the European Commission on Human Rights, provided other remedies have been exhausted. Individuals can go over the heads of their domestic courts. Decisions of the Commission then go on to be considered by the European Court of Human Rights. The court of final jurisdiction on human rights in Europe is the European Court of Human Rights. Courts of national jurisdiction do not have the last word.

The issue of Charter predominance is not just an issue for future constitutional proposals, it is an issue for the current Constitution. The Supreme Court of Canada has said in relation to separate schools in Ontario that the Charter does not predominate over the rest of the Constitution.

If one part of the Constitution outside of the Charter violates the Charter, then that violating provision nonetheless remains the law of Canada. We believe that legal position should be changed, no matter what the constitutional status of Quebec becomes or even if it remains unchanged. The Charter should predominate not only over all federal and provincial legislation, it should as well predominate over the rest of the Constitution of Canada.

We do not suggest that Canada copy the European Convention on Human Rights anymore than we suggest it copy the European Economic Community. Canada must build its own institutions based on its own needs, history and experience. The point we

wish to make is that in Canadian Constitution building, Canadians must not lose sight of the primacy of fundamental rights and freedoms. The European Convention on Human Rights does no less. So that is the first point we wanted to make.

* (1440)

Secondly, we want to point out the problems the Charter now presents in combatting racism. The Canadian Charter of Rights and Freedoms is a passive instrument. It does not require Governments or Legislatures to do anything. It just prevents Governments and Legislatures from doing certain things. A Government, a Legislature that was totally inactive in every respect would be an awful Government and a terrible Legislature, but it would be a Government, a Legislature, that complied with the Charter.

The Charter prohibits racial discrimination in law, but it does not require Governments and Legislatures to promote racial equality. A Government that did absolutely nothing about racial equality would be in full compliance with the Charter.

We have international obligations to prohibit hate propaganda, to prohibit racist groups, to prohibit war crimes and crimes against humanity. The Charter does none of these things. It does not prohibit hate propaganda or racist groups or the offences of war crimes and crimes against humanity.

We are left with a situation where the Charter is a brake rather than a spur. It hampers Governments in what they can do but does not push them to do anything. The impediments the Charter throws in the way of Governments are not just impediments to inflicting discrimination but can as well be impediments to Governments in combatting discrimination. Every law a Canadian Legislature passes is subject to Charter scrutiny, including laws designed to combat racial discrimination. A law is not exempt from Charter scrutiny simply because it has as its purpose combatting discrimination.

For instance, in Alberta from June '88 until December 1990, the hate propaganda law in the Criminal Code was declared ineffective by the Alberta Court of Appeal until it was overturned by the Supreme Court of Canada. Hate propaganda circulated in Alberta without hindrance. Throughout the whole of Canada, the Keegstra Alberta decision had a chilling effect on potential hate propaganda prosecutions. The Canadian ability to combat hate

propaganda was temporarily wounded in Alberta and hampered everywhere because of the Charter.

A similar comment can be made about the laws against war crimes and crimes against humanity. While these laws have not been struck down as unconstitutional by any court, they have suffered one constitutional challenge after another. One reason why the Government has not legislated a prohibition against racist groups is the Charter. The Charter guarantees freedom of association. The Government is worried that any law prohibiting racist organizations would run afoul of that provision.

If the positive international obligations of Canada about combatting discrimination and racism as well as the negative ones were in the Canadian Charter of Rights and Freedoms, none of these problems would arise. The hate propaganda law could not have been struck down. The war crimes law could not be challenged. A law against racist groups could be enacted without fear of its being declared invalid.

The international instruments on which the Charter draws are unlike the Charter in form. In Canadian law, we see the negative prohibitions entrenched in the Constitution and the positive obligations enacted only in legislation, if at all. The positive obligations must pass the tests of the negative prohibitions. The negative prohibitions sit in judgment on the positive obligations.

In international instruments, on the other hand, negative prohibitions and positive obligations sit side by side, equal in stature. The prohibitions do not have a higher legal standing than the positive obligations. The positive obligations and the negative prohibitions must be balanced off against each other or read together as a whole.

In Canada, the negative prohibitions can defeat and have defeated the positive obligations. The Charter does not just do nothing to promote racial equality. It stands in the way of the promotion of racial equality by requiring all such promotion to meet the tests of the negative prohibitions set out in the Charter. When an act of a Government or Legislature to promote racial equality is struck down because of the Charter, as the hate propaganda law was for a time in Alberta, the Charter becomes an obstacle to racial equality. Hate propaganda was temporarily flourishing unchecked in Alberta because of the Charter.

If the Charter had positive obligations as the international instruments do, the obligations would be effective, but the positive obligations are not there. So

the second point that I would make on behalf of B'nai Brith is that the Charter as a spur or a prod to combatting racial discrimination is a dead loss, a non-starter. The positive efforts to combat this discrimination are completely and totally absent from the Charter.

The Charter is not meant to be a spur, but it is meant to be a brake, and it is as a brake that it can be effective. Even as a brake, there are real acute problems. The Charter is not brake enough.

What I have in mind, in particular, is behaviour of the Government of Canada overseas. I go through in my written presentation a number of problems with behaviour of Government overseas in discriminating on a racial basis or on a basis of nationality. The problem with the Charter in this context is it provides no grip on the problem. Canadian immigration and visitor processing overseas discriminates, and the Charter does not prevent it.

The Federal Court of Canada has held in a case decided in August, 1990, that in order to invoke the Charter, the person who brings the Charter case must be physically present in Canada. If we assume this decision is a correct statement of the law, then we must admit the Charter fails not only as a positive spur, but also as a negative brake. At least overseas, the Government of Canada can discriminate, and the Charter will have nothing to say. So that is the third concern we would raise, and the third point that we would like to see changed.

Fourthly, we would like to deal with the notwithstanding clause in the Constitution. It is our position that the notwithstanding clause in the Canadian Charter of Rights and Freedoms should be repealed. It is incompatible with human rights principles and Canadian international human rights obligations.

The International Covenant on Civil and Political Rights says that there can be derogation from a right only in the case of public emergency which threatens the life of a nation. We do not have this emergency exemption in the notwithstanding clause. Even more important than that, there are some human rights according to the International Covenant on Civil and Political Rights that are non-derogable, that you simply cannot pass notwithstanding laws about, and they are the right to life, the prohibition against torture, the prohibition against retroactive punishment and freedom of conscience. They are all non-derogable.

There are certain exceptions to the notwithstanding clause in our own Canadian Charter, but none of these non-derogable rights, not even one of them, is an exception to the notwithstanding clause. The notwithstanding clause allows Legislatures to pass legislation overriding the right to life, the right against torture, the right against retroactive punishment and freedom of conscience.

We say simply to comply with our international obligations the notwithstanding clause should be repealed. As a matter of principle, as well, it should not be there. The right to life, the prohibition against torture, the prohibition against retroactive punishment and freedom of conscience should not be subject to legislative override. Allowing these rights to continue to be subject to legislative whim mocks the concept of fundamental and inalienable human rights itself.

That is what I wanted to draw to your attention from the brief I prepared on behalf of B'nai Brith. I have some more general considerations I wanted to draw to your consideration, matters that I just prepared myself that go beyond issues of human rights.

The question that I ask is, can Canada survive as a nation and yet avoid the tyranny of the majority. Historically, the question I posed was answered in Canada by federalism. Federalism was a technique that was designed to keep together Canada as a nation, but yet prevent the majority dominating in all matters, but federalism has ceased to serve the functions it was designed to serve. The allocation of powers is outdated. As a result of its outdated, what we have developed is a concurrency of powers that means an intermingling of federal and provincial jurisdictions. Canada to a large measure now has two levels of Government with concurrent powers. Canadian federalism represents more a duplication of responsibilities than a division of responsibilities.

Another technique besides federalism for preventing the majority from becoming a tyranny against a minority is the entrenchment of rights and freedoms, and we certainly have a good deal of that now in the Constitution. But not every Government Act of parliamentary law is an Act or law relating to human rights and fundamental freedoms. Outside the domain covered by the Charter the potential for majority abuse remains. What prevents English-speaking Canada dominating French-speaking Canada against its wishes outside of the specific constitutional protections? What prevents central Canada dominating Atlantic Canada or

western Canada against its wishes? The answer to these questions is, nothing much.

* (1450)

The Canadian dilemma has always been, how do we keep together a country so large, so varied, without running roughshod over its component parts, and it is a dilemma that is more acute now as the levels of jurisdiction have become more overlapping. Canada needs institutional reform, but what is the reform to be?

One suggestion I think should be rejected is the notion of sovereignty association. In an article I have written, and I think it would take too much time to go through the reasons why, but I will just state the conclusions, that structurally if not in scope the European Economic Community, which is the model of sovereignty association, is more centralized than Canada. If we in Canada shifted from federalism to sovereignty association and kept the same scope for the central Government we have now, we would end up with a stronger central Government than we have now. The European Economic Community is more properly a model for Canadian centralists than for Canadian separatists.

Well, what changes should we have? There are basically two techniques available for preventing a majority from overwhelming minorities; one is dispersal of power and the other is entrenchment of principles. Dispersal of power alone is not the answer; dispersal of power can go too far. Even more important, I suggest, is entrenchment of principle.

What I have in mind is a principle that is already in the Constitution for human rights and fundamental freedoms, but extended more broadly to regions across the country, the principle of prohibition of discrimination and the power to engage in affirmative action. Now that is a principle that is already in the Australian Constitution for taxes, regulations and law, but it is my submission that the Canadian Constitution needs a prohibition that is even broader than that, that goes to expenditures as well as laws and regulations, particularly if we are to avoid an incident of the sort like the CF-18 incident.

We need as well the concept of affirmative action to allow for regional development policies for disadvantaged regions. It must be remembered that equality does not mean sameness for all. The Supreme Court of Canada has interpreted the prohibition against discrimination now in the Constitution as a prohibition against creating

distinctions that impose disadvantage, not as a requirement that the similarly situated be treated in like fashion.

There has been a great deal of handwringing and anguish in recent years about institutional reform in Canada. I suggest we view the institutional psychodrama in which we have been living as an opportunity rather than an oncoming disaster. We should be looking for new solutions rather than just trying to copy old ones from elsewhere. If in the last decade of this century we can come up with a solution that will satisfy all our regions, all our minorities, both Francophones and Anglophones and our aboriginal peoples as well, then we will have fulfilled Wilfrid Laurier's prophecy. The 20th Century will indeed belong to Canada. Thank you.

Mr. Chairman: Thank you, Mr. Matas. Are there any questions? Thank you again, Mr. Broder, as well.

The Manitoba Branch of the Committee for a EEE Senate, represented by Mr. John Lamont. Good afternoon, Mr. Lamont. May I just clear up something with you, sir? We understood the other day that Mr. Smellie was here as a private citizen, but then he declared *ex cathedra* that he was the president of the Triple-E Senate Organization and seemed to be so speaking. We only allow one presentation from each group. Of course, we would be happy to hear you as a private citizen, but I am just not sure who is the official spokesperson.

Mr. John Lamont (Private Citizen): He was the official spokesperson. I thought he was presenting the committee's point of view. What I have before me and have presented to you in written form is my own submission.

Mr. Chairman: Okay, thank you.

Mr. Lamont: This is me speaking as a private citizen.

Mr. Chairman: That helps. Thanks very much.

Mr. Lamont: Mr. Chairman, I realize of course that you have had some submissions relating to the subject of Senate reform, which I took to be the core subject of your task force's deliberations. I am going to try to avoid any duplication of a submission that you may have received from other presenters.

Most western Canadians who support the concept of the Triple-E Senate are doing so on the basis that this is required in order to ensure regional fairness and balance in the policies and activities of the federal Government. In my submission, I propose to go

somewhat farther than that as a basis for support for the concept of a Triple-E Senate.

My submission is that the need for reform of federal parliamentary institutions goes beyond what is necessary to achieve a fair regional balance, that there are other defects and abuses which exist in the federal Parliament and that these weaknesses, abuses and defects have a direct bearing on the current constitutional crisis in Canada with respect to relations with Quebec. We are meeting and deliberating, of course, in the context of what is apparently the most critical constitutional malaise that we have encountered since Confederation in 1867.

I have prepared a written submission, Mr. Chairman, to your committee. It may seem a little compendious, but I assure you that there are only 13 typewritten pages, it is double-spaced, and most of the submission is supporting documentation which I think will give some emphasis and perhaps elaboration to what I have to say in the main submission. You will have an opportunity to read it. I do not propose to read the submission myself. However, let me explain what the appendices are.

The first appendix is a chapter taken from a book which was published by Lord Hailsham, who is the recently retired Lord Chancellor of England, which dealt with the constitutional situation in the United Kingdom. It would have been entirely inappropriate for him to publish this while he was Lord Chancellor, but it was published in 1978, at a time when he was out of office as Lord Chancellor and before he resumed office as Lord Chancellor under Prime Minister Margaret Thatcher.

The chapter deals with the subject of elected dictatorship. This is the comment of a learned constitutional jurist and a very acute political observer dealing with the Constitution of the United Kingdom and, of course, we all recognize their constitutional system is similar in principle to ours, or ours is said to be similar in principle to the system in the United Kingdom.

He took the position that the development over the last 30 or 40 years of Government in the U.K. had evolved to the point where it became in the nature of an elected dictatorship with far too much power vested in the office of Prime Minister, far too little power remaining with the individual Members of Parliament. He recommended, incidentally, in the rest of his book that balance should be restored by incorporating an elected Upper House in the United

Kingdom. Of course, they have not reached that state yet, and I do not intend to deal in any length with the system there. I will only say that recently we observed that the House of Commons does have still some considerable power over the Prime Minister. When the Prime Minister, who in that case was a very able woman of great integrity and ability, ran afoul of policies and became unpopular, it was certainly within the power of the House of Commons to replace her with someone more congenial to their attitudes at the time.

Here in Canada, where we have a Prime Minister who is infinitely more unpopular than Margaret Thatcher ever was, nothing happens. The point of including this article in my submission is that we have in Canada an elected dictatorship as well, and we have to address the problems that that creates for us.

The second appendix is an article from the Canadian Bar Review of a law professor from the University of Victoria dealing with the development of the co-operative federalism as it is called, the encroachment of federal jurisdiction and power over what were traditionally regarded as provincial spheres of jurisdiction. This article does so at great length and there is very little I can—I obviously cannot deal with much of what is in here.

What it does do, however, is make the point that since the Second World War the federal Government acquired much larger powers of taxation than it had before. Because of the federal spending power and its ability to tax on all possible fields of taxation, the federal Government has moved into co-operative areas of provincial jurisdiction in a massive way. The significance of that simply is that, while this has been accepted in the English-speaking parts of Canada, in fact it was always objected to in Quebec.

° (1500)

This author makes the point that since 1945 the federal Government has initiated over 100 shared-cost programs, most of them of a continuing nature, and I am looking at his page 453 at the top of the page. He draws this conclusion:

"Thus, by expanding its revenue base and by channelling new revenues into shared-cost programs and direct grants, Ottawa has been able to circumvent limitations on its legislative jurisdiction and to have a major influence on public policy falling within the sphere of provincial legislative responsibility."

It was always considered in law schools, when I studied constitutional law, that sovereignty in Canada

was divided into the two spheres, provincial and federal, and these were in effect of almost equal weight. The federal Government had power in some other areas and it had a disallowance power, but certainly sovereignty in the provincial sphere rested with the provincial Governments.

The encroachment which this author refers to in this article I have supplied you with my brief, has been the principle source in my submission of all of the difficulties with the Quebec Government over the last 20 years and in fact it was a major federal incursion into provincial areas of jurisdiction which produced Rene Levesque's defection from the Liberals provincially and caused him to set up the Parti Quebecois.

So, in my submission to you there is an area of reasonable objection which Quebec politicians can make to the way that the federal-provincial relationship has developed over the last 30 or 40 years and particularly over the last 22 years, notwithstanding the fact that in effect the Prime Minister of Canada, during most of the last 22 years, was a Member of Parliament from the province of Quebec.

It seems to me that perhaps the Quebec politicians in their discussions and debate relating to constitutional change have not quite made the full case they could make with the rest of Canada respecting their objections to this development, because it certainly has been a very prominent aspect of the Canadian parliamentary and political scene for at least 22 years.

There is another aspect of the way the federal Government operates which I want to draw to your attention, and I think the previous speaker, David Mates, alluded to it. He said that we are suffering from the tyranny of the majority. I think he has misplaced his emphasis. We are really suffering from the tyranny—and he said the majority—the tyranny of the majority. Actually it is the tyranny of the minority, because almost always in the House of Commons, a majority Government will be elected by less than a majority of the votes cast. I think the most recent election produced a majority based on about 42 percent of the votes, and we have seen in Ontario in the recent provincial election, you had a majority of MLAs produced by 38 percent of the votes cast.

So while you have this very highly leveraged political system where the Party Leader has a great deal of control, it is usually based upon a minority of

the votes cast. A majority of votes are cast for Opposition Parties, but under our system the majority once it is in control has complete control over the operations of Parliament. In the federal sphere particularly—this is significant—the Government Caucus in Canada always has a majority of Members from the more populous provinces. This in part explains why the Members of Parliament from the hinterland must conform to Party discipline and, normally, that means the interests of the regions they represent are overlooked in the interests of the main population centres where most of the votes are cast.

We have in the federal Government another factor which creates intense Party control. Under our election system, the candidates' nomination papers are required to be signed by the Party Leader. This, of course, means that Party discipline is much easier to enforce, and if an M.P. wants to run a second time, obviously he or she cannot adopt a very independent status or stance in Parliament itself.

The result in my submission is that in the federal Parliament you have virtually a complete lack of accountability of a Government to Parliament. The result is, of course, you have regional unfairness; you have highly arbitrary steps being taken without their being any control; and this particular aspect of the federal Government has a strong bearing on the current crisis with Quebec.

We are in a situation very sharply different from the situation in the United States with their division of powers where a President who gets caught with his involvement in Watergate, for example, can be brought before the Senate and, in effect, forced to retire prematurely or where, in the case of the Iran-Contra scandal, the Senate and the House of Representatives have considerable powers of investigation and can call on the executive arm of Government to account. In Canada, that kind of accountability is not present.

So, if we are going to approach the problem of an elected Senate, we want to do so in a way that addresses these particular difficulties. I have included in my submission a draft constitutional amendment which was developed about three years ago by a committee which had been brought together by Preston Manning, the Leader of the Reform Party. Most of the members of the committee, incidentally, were not members of the Reform Party. They were all Westerners and they all had some interest in and some expertise in the area of Constitution making that we are dealing with here.

I commend that constitutional amendment, which is in the form of a resolution which could be passed by a provincial Legislature, to your consideration. It does a number of things which I think a Triple-E Senate constitutional amendment should take care of. I deal with them on pages 10 and 11 of my submission. I think we want, if we are going to have an elected Senate that is based on equality of the provinces, it is desirable that the Senate elections should take place at fixed terms and on fixed dates. This makes it unlikely that the elections would coincide with elections in the House of Commons. Electors could make their choices in the senatorial election independent of any need to choose a Party to form the Government.

This particular model contains a provision for the transferable ballot for Senate elections, in which the elector would choose his preference by numerical order rather than simply an X. This means that the candidate to be elected would have to have over 50 percent of the vote in order to be elected. Normally a candidate would have to appeal to a broader base than simply his own Party base, and he would have a more independent stature as a Member of the Senate under the transferable ballot system.

We recommend in this constitutional amendment the senators not be Members of the Cabinet or eligible to be directors of any Crown corporation or agency so that they would be independent of any temptation to support the Cabinet in hopes of obtaining any preferment.

We have provided in this constitutional amendment for the provincial Legislatures to be given jurisdiction to make laws with respect to the election of senators within their respective provinces in respect of funding of election campaigns, nomination of candidates and the jurisdiction to determine boundaries of senatorial electoral districts. This is designed to make sure that the senator is enhanced as a regional representative and, in particular, to eliminate the possibility that candidates might be required, as is the case in the election of Members to the House of Commons, to have the signature of the Party leader on the nomination papers in order to be nominated.

* (1510)

We have recommended also that the Senate be given jurisdiction to approve appointments of superior court judges, major federal boards, commissions, tribunals and like institutions. This is for obvious reasons.

We suggest that these mechanical details are very important aspects of the idea of a Triple-E Senate reform, because you need a lot of details of this character in order to achieve the purposes we see as being the fundamental basis for Senate reform, and we can see that not just as being the need for fairness in regional policies and regional activities of Government, but also in ensuring that the federal Government itself be accountable to Parliament at least in one of its Chambers. We see this, incidentally, as greatly strengthening the Senate as a functioning arm of the federal Government.

The next question, of course, is jurisdiction. Should there be changes in the jurisdiction or not? I have included in the appendix both at the very back the jurisdiction change which, if I may just briefly summarize, was recommended by Preston Manning's committee and also a revision thereof which Mr. Bert Brown, who is the national chairman of the Triple-E Senate committee, and I have recommended, namely the elimination of the reduction in jurisdiction which the Preston Manning draft incorporated and the inclusion of a totally independent provision for Section 29, which was designed to simply eliminate the reduction in jurisdiction which the Preston Manning committee felt would be needed in order to get support for the Triple-E Senate concept.

That is my submission, Mr. Chairman.

Mr. Chairman: Thank you, Mr. Lamont. Questions? Ms. Friesen?

Ms. Friesen: Thank you for the presentation. I am understanding correctly that you are not here on behalf of the Reform Party or the Triple-E Senate group, but as a private citizen.

Mr. Lamont: That is right.

Ms. Friesen: Okay. I had a quick glance through two of the appendices that you brought us. The first one, by Lord Hailsham, seems to me to be as much a request or a proposal for a written Constitution and for a change in the role of Members of the House of Commons as it is for changes in the Senate. Would you say that was true?

Mr. Lamont: I do not think he mentions in the chapter which I included anything about an Upper House change. It is in the rest of his book, which I commend to you, where he suggests an elected Upper House as a solution to what he conceives to be the elected dictatorship in the U.K.

Ms. Friesen: The material you have offered us is in fact a request for a written Constitution, the movement which has now become known as Charter 88.

Mr. Lamont: Yes, I think that is a fair statement.

Ms. Friesen: I wanted to look at some of the diagnoses that you make on page 7.

Mr. Lamont: Yes.

Ms. Friesen: The weaknesses of the present federal Parliament.

Mr. Lamont: Yes.

Ms. Friesen: In Section (a), where you talk about the highly leveraged power structure, which leaves the Party with a majority effectively controlled by the Prime Minister, you are suggesting as an antidote for this, Senate reform. Why not proportional representation?

Mr. Lamont: Well, I guess you have to have a balance. In the House of Commons, the Government relies upon having a majority in order to present and bring forward its proposals, and its legitimacy is now dependent upon having that kind of majority.

Proportional representation would, of course, usually mean that there would be no majority in the House of Commons, and you would have a very fluid situation. Having a separate Chamber such as the Senate elected in the way I am suggesting with a transferable ballot, which gives you some of the advantages of a proportional representation, would I think achieve a balance.

In other words, you would have an effective base for your federal Cabinet and at the same time an effective check on its excessive and arbitrary powers in the elected Senate.

Ms. Friesen: Surely proportional representation would give you that broader representation of the varieties of opinion across the country. That ought to be the check and the balance, not the creation of some superstructure.

Mr. Lamont: Well, an elected Senate is not a new superstructure. We have a Senate there now, and it seems pretty durable. There are suggestions that have been made for abolishing it, but there are obvious obstacles to that particular course of action, because there would be objections of various kinds.

Reforming it is a little easier, and this is an appropriate time to consider that reform, because the whole constitutional fabric of the country is now up for discussion.

Ms. Friesen: In both (a) and (b) on page 7, you seem to be concerned more with the accountability to Parliament rather than accountability to the people, and this is a different kind of presentation than we have heard from other people.

Most of the presentations we have heard that have looked at reform of the Senate have talked about it in terms of accountability to the voter, and I wonder if you could perhaps expand upon the different position you are taking?

Mr. Lamont: You have, you know, a certain amount of accountability now in the Parliament of Canada in that every four years the Government returns to the people and there is an election. Unfortunately, that is a very limited kind of accountability and as soon as a Party has a majority in the House of Commons it is almost impossible for the rest of Parliament to call the Cabinet to account. It is very, very seldom that it happens. I can think of about one occasion in the last 40 years when the Senate, objecting to John Diefenbaker's treatment of the governor of the Bank of Canada, was going to do something very serious about some House of Commons Bill.

The tremendous fuss over the GST, for example, did not in my judgment amount to accountability. I mean, the Senate was not effective, and I suggest it cannot be effective in requiring accountability as long as it lacks the legitimacy which it would get if it were elected.

Ms. Friesen: So that the institution of recall is not of interest to you, as it is to some other people who are presenting Senate reform ideas?

Mr. Lamont: I realise that the Reform Party is in favour of the idea of recall. There is some merit to that suggestion, but Senate reform is the topic which is currently before the Canadian public. Recall is not an issue which has generated a lot of public interest. So I think Senate reform is the way to go.

Ms. Friesen: One of the obvious questions that all people talking about Senate reform are developing is this idea of an equal Senate, fairness for regions, and I wonder, and I have asked many people this, if you were an Ontarian, why would you accept this kind of proposal which would considerably weaken the historic role that you have had in Canada and which represents the kind of population base and economic power?

Mr. Lamont: Well, if you had a choice you would not accept it if you were an Ontarian. However, we are presently in a major crisis and it is of a constitutional

nature and if Quebec were to separate, for example, it would seem to me that the existing rules for constitutional amendment would enable the other provinces to bring in the kind of Senate I am suggesting here on their own. In other words, Ontario would not be able to object to it. Ontario has the most serious stake of all the provinces, it seems to me, in the continuing of a united Canada.

Ms. Friesen: Why do you say that? What is the basis for that?

Mr. Lamont: I think that they are more dependent on the hinterland than the hinterland is dependent on them.

Ms. Friesen: Do you know what the amount of trade is, export from Ontario to the rest of Canada, to the west for example?

Mr. Lamont: I cannot give you the statistics.

Ms. Friesen: Well, it is an assumption that everybody is making and the amount of goods I understand that they export to us is very small compared to the nature of their economic relationship with the United States or their economic relationship with Quebec. We are making an assumption that Ontario will accept these kinds of proposals.

Mr. Lamont: Ontario will always have its large number of Members of Parliament in the House of Commons because the House of Commons will always be based upon representation by population, but Ontario has to adapt both the demands of Quebec and the legitimate aspirations of western Canada. It seems to me, and I think it is not asking too much from Ontario to say, you will not be able to dominate the House of Commons in the future as you have in the past. We need to have a balance.

Ms. Friesen: Is it balance or is it going to be deadlock?

Mr. Lamont: Well, it is not deadlock in the United States.

Ms. Friesen: It was in Australia.

* (1520)

Mr. Lamont: Well, in Australia, the deadlock resulted in a general election and the electorate vindicated the position of the Senate.

Ms. Friesen: Or the Governor-General.

Mr. Lamont: Well, or the Governor-General. There was a deadlock in the Gough Whitlam affair, and the Senate it seems to me was vindicated by the

electorate because they fired the Leader of the House of Commons.

Ms. Friesen: The Governor-General fired him.

Mr. Lamont: Well, he was not re-elected either, so I say the electorate had a say in his not being returned.

Ms. Friesen: I have one other question. Like many people presenting ideas for Senate reform, you have the assumption that there are non-partisan people. I wonder if you could expand upon that. Who are these non-partisan people? Your proposal is that these people not receive the signature of a particular Party Leader.

Mr. Lamont: I anticipate that candidates for Senate positions would be members of political Parties; they would be as partisan as anyone else. What I tried to do in the proposal which I have articulated here is ensure that they have a greater independence from Party control than is the case of Members of the House of Commons, and I do that by saying that we should have a transferable ballot. The provinces themselves should have jurisdiction to govern funding of election campaigns, in fact eliminating the need for a candidate obtaining his Party Leader's signature on his nomination papers. I think that kind of provision is so contrary to democratic principles that it really just cannot stand. It is totally at variance with what I would consider the rights of both the candidate and the people who elect him.

Ms. Friesen: You conclude by saying that it is quite clear that the four western provinces are clearly interested in the Triple-E Senate.

Mr. Lamont: I think there is a lot of support.

Ms. Friesen: What is the evidence?

Mr. Lamont: I guess it is the reaction we get from the general public; the reaction that for example the Reform Party is getting. One of the principal planks of the Reform Party is its support for the Triple-E Senate, and it cannot be denied it has a lot of support in western Canada.

Ms. Friesen: In parts of western Canada.

Mr. Lamont: It is fairly general.

Mr. Chairman: Thank you very much, Mr. Lamont.

Mr. Lamont: Thank you, Mr. Chairman and Members.

Mr. Chairman: We are going to take a break now, ladies and gentlemen. We will be back—we never say exactly when we will be back, but it will not be very long. Thank you very much.

...

The hearing took recess at 3:24 p.m.

After Recess

The hearing resumed at 3:42 p.m.

Mr. Chairman: Our next presenter, ladies and gentlemen, is the Canada First Coalition, Graham Hughes and David Garcho. Good day, gentlemen.

Mr. Graham Hughes (Winnipeg Coalition for Federal Canada): Good day, sir. Is everybody here on your panel?

Mr. Chairman: I just want to make sure—you would have a—is it a single page submission?

Mr. Hughes: We have not got the submission ready yet, in fact we were still working on going over everything until two o'clock this morning. The old late assignment syndrome.

Mr. Chairman: Well, if you would like to, when you have it ready, send it to us, and the address is in the pamphlet. We would be glad to have it.

Mr. Hughes: We will probably get it to you . . .

Mr. Chairman: That will be fine, thanks. Could you tell us just a little bit about your organization before you begin the presentation?

Mr. Hughes: Sure. It is a relatively small group at the present time, bringing together people, mainly acquaintances and from different political Parties, to discuss the situation in Canada and try and formulate some basic ideas. We have actually been very slow and a little bit, I would say, disorganized at the present time, but we are trying to expand our group, so we have only been going about three months.

Mr. Chairman: The objective of the organization is—

Mr. Hughes: Well, our basic philosophy is to work toward a strong centralist Canada with most of the powers contained within the federal Government.

Mr. Chairman: I see. Okay. Do not be discouraged by the fact that not everybody is at the table, they come back in slow waves. They will all be back in due course. Of course, everything is recorded, sir, and will be read, because there will be daily transcripts as well.

Mr. Hughes: Should we begin now?

Mr. Chairman: Yes, please, and if you would not mind just pulling that microphone a bit closer to you, we are not hearing you just as loudly as we might.

Mr. Hughes: Sure. How am I doing now?

Mr. Chairman: That is better. Thank you.

Mr. Hughes: Okay.

Mr. Chairman: You are Mr.—

Mr. Hughes: I am Graham.

Mr. Chairman: You are Graham Hughes, okay?

Mr. Hughes: Yes.

Mr. Chairman: Thank you.

Mr. Hughes: Over the last year I think there has been a considerable amount of negative press toward the Canadian federation. To a large extent, though, we believe it is largely overplayed, somewhat like a patient who is going in to see a quack about a cold symptom and has been diagnosed as having pneumonia when in fact an aspirin would have been enough to cure him.

We do believe that there is a very serious situation in Canada right now, but we do not see the Constitution as really being the main problem. We feel that right now we are being forced to march to the tune of someone else's political agenda. We have heard it said that Quebec, for instance, cannot wait another hundred years or—I believe Bourassa said 25 years. If you look at it, nation building is a very long and slow process. The Europeans, after hundreds of years of cutting each other's throats, are now sort of getting together and building some kind of nation, so I do not think we should give up on Canada just because it is not fitting someone else's short-term goals.

We should actually be studying other systems, other Confederations. I think the Swiss model is perhaps one that we should take a close look at, if you consider the fact that there you have basically three different linguistic groups plus a fourth which has, I believe, 4 percent of the population, yet it is still treated as an official language. If you can bring German and French and Italian people together in a lasting Confederation as they have been, what, for 500 years or something now, I think they have a lesson to tell Canadians.

There are serious threats to Canada, and I think these are ones which we should be dealing with. No. 1 is the issue of alienation, and this is not something which just exists at a federal-provincial level, East-West. If you look at alienation, it exists right through our society, through all the levels of Government, whether it is the federal, provincial, municipal. If you are living, say, in northwestern Ontario, your vote counts just as much when it comes to election time as someone voting in northern

Manitoba in the federal election. It really does not make a difference which way you vote, it is going to be decided in the big power centres. I think there is as much need on a provincial level to try and balance the sort of imbalance of power because of the population spread as there is in the federal system.

Most serious, I think, is a systematic and planned destruction of the structures which form our country, particularly our economic order, our symbols of nationhood, and what might be described as our national culture, things like our sense of social justice which helped develop our medicare system and such like. I think these are the real serious problems facing us right now, and that we should deal with those more immediately and take a long-term view of the constitutional process.

One area that I think does need to be dealt with, and Dave is going to take another one, is the Native issues. I remember when I first came to Canada, in fact even before, I became very aware of the institutional racism that existed in this country and the attitudes of Canadians in general. I recall for the first five years, I was bashing my head against a brick wall trying to talk to people about issues, and I found the same response no matter what level of education the person had that you were talking to. Basically, the response was, well, I was born here too, so what right do they have any more than me? Then you had the old "back-yard" syndrome that, if you settle a land claim, it is going to be somebody's backyard getting stolen. Finally I gave up talking to people. I am happy to say that over the last four or five years, there has been quite a significant shift in Canadian attitudes towards land claims and the whole wider issue.

Coincidentally, it has also occurred along with an environmental awareness. I think what we have to do is look at a far more co-operative approach with Native groups, because you know that when you go a little bit northward, say in Ontario, you go north of the CN line, you are dealing with a population that in large part, in certain sections or over the broad area, is Native in the majority in many situations.

I think the feeling that Native people want to sort of grab their resources and hog it for themselves is absolutely ludicrous. They have as much interest in economic development in Canada as we have. I think we have to really work towards a kind of co-operative system in our country that shares the resources and everyone benefits.

So, to sum that up, we do need a new relationship with the Native people based on our mutual respect and co-operation. This list here is very, very reduced, but we will really expand upon it in our written submission.

I have got a list of some of the things that I think we need to do. First and foremost, there should be no changes to our Constitution without the full and equal participation of the Yukon and the Northwest Territories. I mean, to have them left out as they were during the Meech Lake Accord, they were sitting somewhat on the sidelines, but they had no voice in the actual decision-making process. I do not think we can go any further if we allow that situation to continue, so perhaps what we should look at is making efforts towards having these areas made into provinces. After all, if we can have P.E.I., with a hundred thousand people and the size of New Westminster somewhat, as a province, why not the Yukon and the Territories?

I have just touched on the Native issues, I think they have to be done.

Senate reform, there has to be definitely changes in our electoral system. Proportional representation has been mentioned, and this is already practised in Europe, in Holland, in Norway to just illustrate two examples. We do not have the same problem as people think of in proportional systems. We do not have the Italian situation there, where, you know, you change the Government every six months, or whatever the situation is. So they have a stable situation. I think what that proportional representation does is it makes politicians and the system more responsive to people.

You cannot have the system that, I think, one British politician described it, where democracy was a system where everybody was free once in five years, or I guess in Canada every four years.

* (1550)

The political system will have to be sensitive and basically on its toes. The same could be said in terms of Senate reform. If you had an elected Senate, where the elections occurred every year, somewhat in the American system, where you have 30 percent or one-third of it being retired, and then the Commons, or the elected Party would have to take into consideration the prevailing views that people had.

You could not just sort of sit by, and say, well, fine, for four years, and okay, in two years time, I know we are going to go down to the polls, we do not have to

worry, because just before election time we will make everything sound good. There is going to be this constant pressure on them to stay honest.

The abolition of free trade I think is a must because what we are having is a breakdown in our economic structure, so we are developing a sense of regionalism. Once you have the economic breakdown of the country, I think the political breakdown is the next step, and that is a very real threat to our continuance as a nation I believe.

Other things would be rather than tearing down our symbols of nationhood, actually to build them up again, and I think of things like the national broadcasting system, which every European country has. It is not considered a thing where you have to make money from. I mean, the BBC has a different system over there. They charge people a licence fee for your television set. I think it is something like \$100 a year. We would not accept that here, but it is funded and it serves a purpose.

The same could be said for the passenger rail system. I do not think there is a passenger rail system in this world that makes money. There might be one or two countries, possibly Switzerland, but everywhere else it is a losing proposition. I think we have to accept that rather than try to turn around and say it has to pay for itself. It just does not work because you have to look beyond the financial benefits.

While these might be symbols, if you look at cultures, cultures are built around symbols and rituals. Once you tear those apart, then the cultures themselves start to fall apart. Even ourselves, in our daily lives, we all have some kind of symbol.

Lastly, I would say that in regards to this C-89, which is another threat to our nation, we should instead go the other way and find out how we can actually improve our national education system and health care.

The last thing we want to deal with is the situation of Quebec separation. I am going to pass you over to Dave on that one.

Mr. Dave Garche (Winnipeg Coalition for Federal Canada): We have been ignoring the situation of Quebec separation for a number of years. I think the time has come when somebody has to take a stand and face the issues head on.

In fact, it will be a sad day for everybody if Quebec does separate from Canada. If they do, we have to talk about what is going to happen to Canada. What

are we to do in that situation? It is no longer acceptable to Canadians to keep Quebec in Confederation at any cost. Our position on the Quebec separation is quite clear. Under no circumstances should Quebec be allowed to leave with more area than they came in with.

I would like you to look at the map we have provided. It shows the pre-Confederation Quebec area. This may sound almost like saber rattling, but Canada cannot allow its territorial rights to be ignored any more. We cannot see Canada suffering from psychology of a broken country. We have to take a stand, and somebody has to speak up for Canada.

Areas added at the Confederation and subsequently in 1898 and 1912 should not be allowed to remain in Quebec, if Quebec is to separate from Canada. Most of these areas are occupied by the Native groups. We believe that area should go back to the Northwest Territories, and aboriginal people of those territories and those lands should decide whether they want to remain in Canada or Quebec. If they like to remain in Canada, we should give them every opportunity to become a province. If not, they will take their fate into their own hands.

Let us talk about the national debt. Quebec must pay their own national debt according to the area they will go with. We should not make any halfway deals with Quebec. Quebec cannot have their cake and eat it too. Basically, they have to either stay in Canada or they have to leave.

Quebecers can print their own currency, perhaps pay for their own defense of their country if they are to separate. We do not want to come across as undermining Quebec's right and integrity to stay in Canada, but we have to accept the fact that it might be possible that Quebec wants to separate one day. If they do, we have to talk about these hard facts. If Quebec is to talk about the separation, we must talk about the arrangements under which Quebec must separate.

If the politicians fail to recognize these issues, perhaps the Canadian public should take a stand and create a new breed of politicians who will protect Canadian sovereignty and territorial rights.

Politicians should not be manipulated by the bureaucrats. Basically, I see that Canadian Governments and provinces are being run by bureaucrats. The politicians are just figureheads. The politicians are re-elected people. They have to make

their decisions about Canada, and they have to vote on their conscience rather than Party lines.

With this brief discussion, I would like to say that the Canadian public will take the threat of the breaking up of Canada very seriously, and we all have to face up to the issues that have been discussed. With that, I would like to ask Grae if he would like to add anything more to the presentation.

Mr. Hughes: No, I think that is the end of it. This has been very brief, and the document that we deliver you next week will be much more enlarged but not so overweight you will not want to read it.

Mr. Chairman: Thanks to both of you. Any questions? Ms. Friesen.

Ms. Friesen: Just a comment, if you are presenting something in writing later on. Your proposals for territorial representation, I thought, were interesting. We have not heard that very often. I wonder if you might expand upon that in your written presentation.

Mr. Hughes: You mean regarding the Yukon and Territories?

Ms. Friesen: Yes.

Mr. Hughes: Sure thing.

Ms. Friesen: I wanted to ensure that I had understood you. You are advocating proportional representation for the House of Commons and an elected Senate but not necessarily an equal Senate in the way in which it is often expressed. Did you have any other thoughts on that, or would you be presenting more on that?

Mr. Hughes: I can expand upon it, but in terms of the idea of regions, I have noticed that, because I have lived in a wide section of Canada from the Yukon, the Territories, B.C. and northwestern Ontario, one thing I find is that people tend to look at things in isolation in this country. They think it is just a localized problem. They do not see it in the overall perspective, and regions, I found, do not follow provincial boundaries.

One region I noticed—and when I say a region, I mean an area where people are subject to a similar economic condition, have a similar outlook towards their environment and have somewhat of a similar environmental type of structure. The one area that I think really exists, and people have not paid attention to it, exists or starts somewhere around Buffalo Narrows in Saskatchewan and goes up to Lake Athabasca, that Alberta, Saskatchewan border, and then sweeps across through northern Manitoba, down into northwest Ontario, along the CN line, basically up into Mooseonee.

The characteristics there are so similar, so that is what I would call one region, you know. The borders are ill defined, but it is very sort of general. Rather than say that B.C. and Alberta are one region, you know, because if you go along, again taking the same thing, within a hundred miles of Canadian border, you could say that everything from Thunder Bay right through to the middle of B.C., might be another region. To try and use provinces, provincial borders to define a region I think is missing the point very much.

Ms. Friesen: You think then there will be something on that in the presentation?

Mr. Hughes: Sure, yes.

Ms. Friesen: That would be interesting. Thank you.

* (1600)

Mr. Chairman: Any other questions? Thanks again, gentlemen. We look forward to your written presentation.

Our next presenter is Ms. Barb Angel.

Ms. Barbara Angel (Private Citizen): First of all, I would like to thank you all for your endurance, and I will try to make this as light and interesting as possible.

I would like to begin by thanking you, Mr. Chairman, Mr. Fox-Decent, for allowing me to appear before you and the rest of the Constitutional Task Force in my capacity as an ordinary citizen.

It should be stated at the outset that the views that I express today are not representative of any group of which I am a member. I say this because I think it is significant that Governments are finally beginning to consider the views of individual citizens regarding matters of constitutional change.

The ideas which follow have been developed over a lifetime, much of it spent here in Manitoba. I am not an expert on any aspect of what I speak to you today, but I do believe that I have been a responsible citizen who has participated actively in all levels of Government, as a voter, as a campaign worker, and as an appointed member of a Government board.

My thoughts have been honed through discussion with friends, fellow students at political conventions, and that great Canadian institution, for heavy-duty discussions, the kitchen table.

It is with some sadness, therefore, that I must confess that my vision of Canada is a bleak one, tinged with pessimism and anger.

Canadian society has suffered long from a neurotic need to indulge in communal self-analysis with the hope of solving our identity crisis. Today the neurosis has turned into fear that our nation faces a breakdown as a result of not being able to come to terms with the supposedly dual nature of this identity.

Quite frankly, I am tired of being constantly put through an emotional wringer year after year after year. I am a second generation Canadian who, after living in the United States and South America, made a conscious decision to return to Canada. I have seen alternatives, many of them. I felt then and, despite the recent turn of events, I continue to believe that this is where I want to live, but I feel betrayed. I hear a lot of people saying this. Even this afternoon I have heard many people expressing this.

First, I feel betrayed by those who profess to lead the country and by many of the institutions which they use or misuse for their own purposes. I am tired of having my life defined by politicians who simply rely on the latest Gallup poll to determine the Party platform which will get them elected, and then they go ahead and do what they really had in mind to do all along; politicians who create privileges for themselves and their cronies, while demanding that ordinary citizens tighten their belts; and politicians whose behaviour during debates would not be allowed in a grade school classroom.

To be honest, I must say that a good part of the problem lies with us because we allow ourselves to be manipulated. As citizens, we have become increasingly concerned with ensuring that our rights are protected while ignoring our responsibilities. As a former teacher of Canadian history, I still marvel at the lack of knowledge, the lack of interest in the affairs of Government that existed among both students and teachers. Under such circumstances, participatory democracy is an illusion. The reasons for this disenchantment are probably many, but one of them surely must be the distance of Government from the life of the ordinary citizen, except when it is confronted in its bureaucratic form. Witness the GST.

With regard to the notion of distance, I would like you to reflect upon the fact that in this country distance is both a geographical and a conceptual problem. It is difficult to feel that one has a stake in the future of Canada when both the legislators and bureaucracy are thousands of miles away in a different region of the country. It is somewhat easier to be concerned with the provincial level of Government since many of us live in Winnipeg or have ready access to it. Then

even the municipal Government is removed from the lives of many citizens. Just look at the voting patterns in municipal elections.

Perhaps a sense of community is impossible to achieve in our modern society. If so, then our dream of democracy is as good as dead. If not, then we have to begin to work at restoring citizen involvement in the decision-making processes of all levels of Government. Perhaps rather than beginning by trying to define ourselves as a nation state, we need to begin at the grass-roots level.

Roderick Haig-Brown, a British Columbia author, once stated that, "I am not all sure that 'provincialism' is such an evil thing . . . No man can become a great patriot without first learning closer loyalties and learning them well: loyalties to the family, to the place he calls home, to his province, state or county."

While I would consider myself a Canadian patriot, perhaps even a Canadian nationalist, I would have to admit that I am at heart a product of the Canadian Prairies and the boreal forest, and it is in this region that my first loyalties lie. This does not mean that I reject the other regions of the country or that I do not want to share a common purpose with them, only that my sense of social and political identity is rooted here, and that it is here and in the other communities of the country that political revitalization must take place if we are to avoid the impending disintegration.

In a sense, it seems to me that the nation states of the contemporary world are facing much the same sort of crisis that families are facing today in our own society. Societal conditions have changed drastically with the result that internal strains and tensions have become intolerable for some previously stable countries.

While many of us would like to go back to the good old days, I personally do not think this will be possible for Canada or for any other country. Just as we have had to work out new family arrangements and just as there have been many family battles along the way, I think the nature of nation states will have to change. Whether or not Canada survives will depend upon the degree to which we can adapt to new realities.

Let me give you just a few examples of the discrepancy between reality and institutional forms. The original Constitution of Canada was drawn up by a number of 19th Century men who earnestly believed that the British and French civilizations they represented were superior to anything else in the world. From their point of view, Indians in Canada,

whose lands they had taken or were about to take, were part of an inferior culture which they felt would disappear as soon as the Natives were civilized and Christianized. Thus, the model for citizenship in this country was well established by the end of the 19th Century.

Later generations of immigrants each found themselves asked to give up their heritage in order to become Canadians. The role and rights of women were not even worthy of consideration, yet despite the best efforts of successive generations of Government administrators, Indians in Canada have not disappeared, nor have they become assimilated, although until recently, they were politically invisible—out of sight, out of mind.

We have continued to push them into the backwaters of our society while priding ourselves on how well we treat our Natives compared to other countries. I ask you, how can we continue to draw up Constitutions which speak of the dual nature of this country, which continue to ignore the people who were here first and are an integral part of the unique character of the country?

Only recently have our histories even begun to recognize many of these contributions and to uncover many of the evils that have been perpetuated by our Governments, while some other countries of the Western Hemisphere, such as Mexico, have long recognized the fundamental significance of aboriginal cultures to the character of their contemporary society.

It is not too late to redress our past mistakes and omissions. I am not recommending some return to a romantic past, simply suggesting that Indian people be allowed to play their chosen role in Canadian society rather than continuing to thrust them to the side.

* (1610)

It is not only our first people who have been left out of the constitutional process initiated by the federal Government, but all subsequent immigrants who are not British or French. Here I would like to make an aside about the notion that there are two cultures in Canada, i.e., French culture and Anglo culture. I do not know what Anglo culture is, and I would like to have a definition of that from someone.

I happen to have considerable pride in my Celtic background, while my husband, whose background is, poor man, both English and French, is equally proud of his ancestry.

What makes this country and particularly this province such a special place to live is its cultural variety. Every time we have returned here from traveling in other countries, this fact hits us especially hard. Like it or not, we have moved far beyond the homogeneous English or French society which our ancestors adopted as the norm. Personally, I think we are the richer for it, if we can learn to use the positive elements from the many cultures that make up our population.

As our population becomes more and more varied and the British element becomes a minority, the nature of our community will change significantly. Our institutions must also change if we are to grow. As many of us rejoice over the possibility that patriarchal marriages will someday be a thing of the past, I would hope that the day of strong federal Governments, with power centred in the executive arm or, worse yet, the Prime Minister, will soon disappear. As George Woodcock recently remarked, what this country needs is not more leadership, it is more partnership, more participation by the people in the decisions that affect their lives and a major reform in our institutions like Parliament and the political Parties that will provide for such participation.

If more and more of our voluntary organizations are functioning under new forms of governance, and if even our businesses are investigating different ways and means of operating, which both allow worker participation and improved production, then surely it is time to seriously consider alternatives to our present form of Government, which are more in tune with the current realities of Canada.

I make no pretense at being a political scientist, but there must be some way of making politicians accountable to the people. I am sure you have heard this many, many times in the last few weeks. More and more, our elections are fought on the basis of the charisma of the Party Leaders, opinion polls and advertising campaigns designed to sell products. Principles and ideas have become forgotten, lost or ignored.

Once elected, majority Governments are guaranteed five years of unobstructed rule with infrequent parliamentary debates. In essence, we have one-Party rule broken by constitutionally sanctioned transfers of power. Only when we have a minority Government is there any hope that the Party in power may listen to voices other than their own caucus, since Party discipline has become so strong.

Even the once powerful bureaucracy seems unable to provide a countervailing force to the Prime Minister and his Cabinet, the tradition of the independent Civil Service, the yes-Minister variety notwithstanding. Perhaps if free votes were allowed on a wider range of issues, Members could be made to be somewhat more responsible to their constituents.

Plebiscites have sometimes been suggested as a means of allowing direct citizen participation. A study of past history indicates, to me at least, that this form of governance too often gives more opportunity for a charismatic leader to sway the masses on crucial questions.

The American form of Government, in which the legislative and executive arms are separated in order to form checks and balances, may be an answer, although this form of Government seems to encourage the cult of leadership even more than our own.

Many Westerners have sung the praises of a reformed Senate as one way of ensuring that regional concerns are given their proper due, but I question whether these Members would be any more responsive to ordinary citizens than our present parliamentarians. I am afraid we would simply find ourselves stuck with more people living off the public purse.

Further reductions in the amount of money and time allowed during electoral and Party leadership campaigns might help to place the focus more on issues, as would perhaps the elimination of such distractions as opinion polls during electoral campaigns, but would they ultimately make Governments more responsive? I doubt it. More frequent, shorter elections might keep Governments on their toes more but would probably financially and psychically exhaust the voters even more than they do now.

So I am left with the conclusion that we, as a people, must somehow regain our sense of community and responsibility without sacrificing our individual rights. Like Americans, English-speaking Canadians have tended to value individual rights and the private pursuit of happiness to the detriment of the community as a whole. Somehow we must learn to reconcile these seemingly opposite goals. Only then will we find a form of Government where we and our representatives will be able to work together.

Let me return to my analogy of the Canadian marriage for a moment. It seems to me that Quebec

now feels, rightly or wrongly, that Confederation was a marriage of convenience into which she was forced against her better judgment. Over the years, the two partners have grown apart to the point where they have little in common. Indeed, it is questionable whether these partners had much in common from the beginning. If one partner feels that this is the case, then separation or divorce may well be the only answer. I only hope that it can be an amicable arrangement. Perhaps then we can get on with reshaping our lives.

Can the rest of Canada survive? Of course, we can if we have the will. Even western Canada by itself, or in conjunction with the Yukon and Northwest Territories, would still comprise one of the largest land masses in the world and would have more natural resources than most countries.

While I am not exactly advocating the creation of such a modern-day Rupert's Land, it is no more unthinkable than an independent Quebec. Who knows, perhaps we will yet live to see Louis Riel's vision of a new nation rise from the ashes of the old.

Mr. Chairman: Thank you very much, Ms. Angel. I see you are presenting on behalf of Michael Angel as well.

Ms. Angel: Yes, we tend to work together.

Mr. Chairman: Any questions? Mr. Carr.

Mr. Carr: Ms. Angel, I think you are the only presenter, either this time around or during the Meech Lake Task Force hearings—I might be wrong—to say that you identified more with the region or the province than you did with the country. What are the implications of that observation for the way we organize Canada? I gather that you think that a decentralized federation is in the best interests of our province. Explain to us why you think that would be so. How would individual Manitobans be better off with a looser, more decentralized federation than we are now?

Ms. Angel: I have some problems with that, because like one of your previous speakers, I am aware of the important role that the federal Government has played in the equalization of regional disparities through transfer payments and so on.

What I am referring to is the decentralization of power, not the decentralization of the capacity of the federal Government to mediate economic differences and to ensure that minority rights are respected and that there are universal systems, particularly in the area of medical and educational provisions. You know, I wish it would be possible to not always go

along with the idea that wherever the purse is there lies the power, that there can be a benevolent exercise of financial control without that sense that everything has to be approved from the top all the time.

Mr. Carr: What do you mean by power then? Do you mean the power to tax? Do you mean a transfer of constitutional authority and jurisdiction? What do you mean?

^a (1620)

Ms. Angel: I mean the constitutional sense of power, the questions of disallowance, for example, of legislation. I am getting into a whole swamp here, I know, because I am not an expert in constitutional law, but it seems to me that there must be some way of having a federal system which can ensure fair and equal treatment of all the component parts. It does not dictate the details of how regional needs and regional problems are worked out. I realize taxation is very much key to this.

Mr. Carr: Without getting into the fine points of it, how will we benefit?

Ms. Angel: How will Manitobans benefit?

Mr. Carr: Yes.

Ms. Angel: Well, again, I kind of agree with the people who talked just before me that I am not sure the provincial boundaries really define the region. I think that people west of the Great Lakes really do have a different outlook and in many ways have a different set of priorities. Here we go, off into the deep end—for example, the question of language rights and the preservation of bilingualism at all levels of Government and so on. I think maybe some areas of western Canada might like to put some of those financial resources into programs in aboriginal languages, programs in heritage languages, you know, that west of the Great Lakes there really is a different vision of what this country possibly can function as—terribly idealistic.

Ms. Friesen: I was a bit confused in your paper too, because you express very eloquently your attachment to Manitoba and particularly to the diversity and multicultural nature of Manitoba, and you seem to hold dear the communal sense of Canada, yet I did not necessarily see the attachment to the strong federal Government and the equalization programs and national standards that are incorporated there, but I understand now that you would put those as a priority.

Ms. Angel: Well, it is very difficult to see how that would play out. I think often of Mexico as an example of a federal system of Government where there is a devolution of power to the regional areas, to the state Governments. It took them about a hundred years to work it out, and a lot of casualties along the way. I am not sure that we are prepared to go through that mess, but one thing I am very sure of is that I think the obsession with the integrity of the "nation state" is a hangup that we have left over from the 19th and early 20th Century. I think we have to start thinking new thoughts about where our loyalties lie.

My attachment to the region has a lot to do again with my experience with Mexico, where the notion of "patria chica" is used to describe where your first loyalties lie. It has not that divisive an influence on the country as a whole, because the federal Government has very specified responsibilities, primarily in the area of economic opportunities, providing economic opportunities and development programs and so on, for all of the country.

You have these two supposedly conflicted notions of what it means to be a citizen and how Governments relate to citizens functioning at the same time. I do think it is possible, but I think we have to look at the federal Government in a different way. I mean, we talk about the United Nations these days; that too has financial power of some form and perhaps will have jurisdictional power at some point in the future. I think the important thing is to think new thoughts, to get out of the straitjacket of the "nation state" as we have adopted it from European models.

Ms. Friesen: I am trying to get at what the priorities are. Would you, in that new thinking, be prepared to sacrifice national programs and minimum standards or national standards?

Ms. Angel: No.

Ms. Friesen: Okay. The second thing I wanted to ask you was: You were presenting the idea of the West as a region with a certain ethos of its own, and I wanted to relate that particularly to language rights, particularly to French language rights. Do you think that there is a difference between Manitoba and the rest of western Canada in the way in which language rights should be considered, or could be considered, if we have to look at a restructuring of Confederation?

Ms. Angel: I believe there are significant French minorities in Saskatchewan and Alberta as well. As you know, I have quite an attachment to French culture and language, and I think it is very important

in the same sense that I think aboriginal cultures and languages should be preserved for historic reasons. I am not sure, because I do not know how the numbers break out in terms of Manitoba versus Saskatchewan and Alberta, but I think perhaps here in Manitoba we have more of a historic reason to preserve the opportunities for the French community. Thank you.

Mr. Chairman: Any other questions? Thanks very much. Mr. Frank Davis. Ms. Shelly Sandler. Mr. Don Ramage.

Good afternoon, Mr. Ramage. Please proceed when you are ready.

Mr. Don Ramage (Private Citizen): I would like to thank you, first of all, for the opportunity to express my views about Canada and its future. I want to state at the outset that I am not an expert on constitutional matters. In fact, I know very little about the Constitution or the mechanics of developing or writing or gaining agreement on something as important as a country's Constitution. Then why am I here today? First of all, because I am a Canadian, and I want to speak out for the preservation of my country.

I was born a Canadian, and I am proud to call myself a Canadian. I intend to remain a Canadian for all of my life. Canada is my home, and the thought of losing it is profoundly disturbing.

A second and more important reason is that I am speaking out for the sake of my children. I have two children, five and ten years old. My five-year-old son, Daniel, was right into Christmas this year. He was full of wide-eyed innocence and boundless enthusiasm. As I watched him over the holidays, I was struck by his complete and total trust in me to take care of him. You know, he has no thoughts or concerns about the future, because he expects me to look after him. If my house caught on fire, I would risk everything to save my children. But ladies and gentlemen, our country, our home, is on fire, and if I do not try to save it, then what future will my children have?

If this country, our home, breaks apart, then one day, when my children ask me why it had happened, I would be ashamed to answer to them that I had done nothing. That is one reason why I am here today.

Thirdly, I have some ideas about some basic principles that I believe must be embodied in the Constitution, and I want to share these with you. When I thought about what I might say to a constitutional task force, I quickly realized, as I stated before, that I knew very little about constitutional matters. What could I say to such a group at a time

like this? I have no great knowledge or insight about the issues surrounding the Constitution. I have few facts or research upon which to base my arguments. Well, what I do have to offer you are my feelings and my emotions about Canada and its future and about Manitoba's role in it. I believe, in any case, that when all the logical and the reasonable arguments have been made by all the learned people whom we have around us, it is basic emotions, it is how people like me feel about our country that will decide the issue.

From a purely physical viewpoint, Canada is a place. It is a geographical location on the world map. It is an area north of the 49th Parallel. It stretches from the Atlantic Ocean on one side to the Pacific Ocean on the other. It is a land of forests, of lakes, of mountains, of fields. It is one nation, the cities and the towns linked by roads, railways and air routes. The physical image of Canada and how it looks on the map, it is etched indelibly on my mind, and that image will never go away.

* (1630)

The place defines the people. The Canadian, by definition, is any person living in the geographic area known as Canada. You know, many people say we have no national identity, that we do not know who we are, but I do not believe it. The place defines the people. Canada's geography and climate demand patience, perseverance, resourcefulness, imagination, daring, willingness to share and to work together.

These are Canadian virtues. Canadians prefer quiet dignity to agitated excitement. We are peace-loving people who would rather talk than fight, but we will fight for what we believe in when we are pressed. Canadians are decent, neighbourly people who are ready and willing to help others who are down on their luck. We value tolerance toward the difference of others, even if we do not always practise it. We are people who value co-operation over competition, because we know that, in co-operation, there are no losers. Because of these virtues, Canada and Canadians are known and respected the world over.

We are the force for decency and fair play around the globe, while we struggle collectively to define ourselves, but each of us who have traveled outside of Canada know what it is to be Canadian. The feeling of being Canadian is very apparent when we are surrounded by those who are not. Canadians are different from Americans or any other nationality, for

that matter. As Pierre Burton said, a Canadian is somebody who knows how to make love in a canoe.

Canada has a vibrancy that has made it one of the leading nations of the world, one of the few nations in the world where decency and compassion are seen as virtues and strengths instead of weaknesses. We are a rich nation with one of the higher standards of living in the world, a leading industrial nation. We have clean air, clean water and plenty of space, and we are widely envied.

Together we are strong, a nation of influence in the global scheme of things, with something of value to offer the rest of the world. Separate we are nothing more than a collection of Third World states competing with each other in the new global order.

Many nations of the world rely on Canada for leadership and assistance, and they, too, need us to remain strong.

Canada is a nation of cultural and ethnic diversity. This is one of the great things about Canada, that we are not a melting pot. As Arnold Edinborough said, we are more like a tossed salad. We have purposely encouraged the retention of culture and traditions from all over the world, and the result is a cultural cornucopia. However, one's greatest strengths are frequently also one's greatest weaknesses, and so it is with Canada's diversity.

We tend not to see ourselves as Canadians. Too often we refer to ourselves as English or German or Indian or French, as Albertans, as Manitobans or Quebecers—hyphenated Canadians. When I was growing up, people who called themselves Canadians were laughed at. Now tell me where you are really from, was a common refrain, although I was born and raised in Manitoba, as were my parents and their parents. Now, how far back do my roots have to extend before I can call myself a native of Canada?

I believe that Canada's Constitution should begin with a "Canada first" clause stating unequivocally that Canadians are Canadians first in all things. The "Canada first" clause would declare that Canada is one nation comprised of all the peoples living within the area known as Canada. Such a clause would be like a pledge of allegiance reminding people that, whatever their cultural heritage, they are Canadians first. I do not intend to suggest that cultural diversity should be stifled; I am all for letting it blossom. Be Indian, be Chinese, be French, but first and above all, be Canadian.

Now, whatever backgrounds our ancestors may have had yesterday, we are living in Canada today, and we could get along a lot better if we agree to let a Canadian umbrella cover all of us. With a "Canada first" clause we, the people of Canada, state our pride and our intentions to live and act together as one nation. The "Canada first" clause would be an agreement amongst all Canadians, that we share the same place and that we have agreed to live together in that place, working in harmony to build a free and democratic society.

Well, with a "Canada first" clause as a preamble, the Canadian Charter of Rights and Freedoms could then come into play. The Charter guarantees that people have the rights and freedoms to pursue whatever social, cultural or religious identities they choose. Thus, all groups within Canada have the right to develop their own distinct identities so long as they live within the laws of Canada and do not violate or detract from the rights of other Canadians in the process.

As Canadians, we believe in equality. Under the Canadian umbrella, all Canadians are equal under the law. This implies that individuals and groups should be encouraged and assisted to the extent possible to achieve their full potential, to attain their own highest standards subject only to such reasonable limits prescribed by the laws of our free and democratic society. However, they should not be singled out in the Constitution for special treatment into perpetuity, because this can only be done by detracting from the rights of others. It would be contradictory to give more rights to some Canadians than to others through the Constitution, and it should not be done.

I believe that Native Canadians have the right to economic and social equality. I recognize that they are a long way from achieving it. Settling Native land claims, settling them quickly and soon, would go a long way toward this end. I believe that Native Canadians should maintain their culture and traditions, and that they should take responsibility for their affairs. However, I want them to do these things as Canadians, as part of a whole nation and not as separate nations.

The people of the province of Quebec have the right to be socially and linguistically distinct within Canada. I spent enough time there to know that their distinctiveness is a fact anyway.

We should encourage and support them in their efforts, but in maintaining their distinctiveness they must not violate the rights of other Canadians. I also believe that they are achieving and can continue to achieve their aspirations within the context of Canada.

We need to send clear messages to the people of Quebec that we do not reject them, that we respect their rights and efforts to be distinct within Canada and we want them to remain united with us.

I believe that Manitoba's role at this time is to support Canadian unity and those who are working toward it. The leaders and people of Manitoba must let regional interests take the back seat where it is in the national interest to do so, to put Canada first. The people of Manitoba must also work actively to combat the separatists, particularly in Quebec, who would dismember our country to the detriment of all.

I believe the people of Canada have the right to a strong and effective federal Government that works to ensure that all people are treated equitably and to work for the best interests of the nation as a whole. The federal Government should have powers in all areas deemed to be in the national interest, such as defence, trade, economic policy, taxation, the environment, international affairs and so on.

If Canada is to remain strong in the future, there must be a strong federal Government. It is clearly time to rethink how Canada works. No matter how the country restructures, it will be the federal Government that provides the glue to bind us together, the ribs in the Canadian umbrella.

The current constitutional impasse has seriously affected the nation. Confrontation has replaced co-operation as a standard *modus operandi*. Provinces are pitted against the federal Government and against other provinces. Special interest groups are lobbying frantically to make sure they get the biggest slice of the pie. The result is growing balkanization and parochialism throughout the country and incredible struggles for power and control.

With so many people unable or unwilling to communicate effectively, bigotry and intolerance is increasing alarmingly. People are disillusioned and cynical. Canadians are losing confidence in their political systems. You know, we have so much going for us as a nation, but we are not happy campers.

To restore confidence we need to consider reforms in the political system. One positive move would be to

proceed faster with parliamentary reform. For example, in the current system strict Party discipline ensures that Members of Parliament invariably vote according to Party lines. Loosening the Party reins would allow Members to vote more in accordance with the wishes of their constituents. This would increase direct involvement of ordinary Canadians in the decision-making processes and would increase the accountability of elected representatives.

The Senate should be either abolished or reformed but should not be allowed to continue in its present form. Right now the Senate is of little value with respect to policy making. I am uncomfortable with the notion that a group of unelected representatives can thwart the will of the elected representatives of the people.

An elected Senate of say five representatives from each region and territory could possibly provide the balanced regional representation which is desired by so many Canadians. The Senate could review legislation passed by Parliament. If the legislation was not passed in the Senate, it could be returned to the House of Commons where it could be debated or amended, et cetera, and perhaps require a two-thirds majority to pass the second time around. Thus the Senate would provide second opinions in a forum where all regions would be equally represented. However, it would be the House of Commons that would have the final say.

* (1840)

One of the major threats to Canadian unity is the growing competitiveness of individuals, groups and political bodies in Canada. Balkanization and parochialism, those are the manifestations of this threat, and during the past few years we have witnessed local priorities and regional interest take precedence over national ones.

Canadians are increasingly using their energies struggling against each other instead of working together. Social psychologists have long recognized the negative effects that excessive competition within organizations has on productivity and achievement. Competitive situations in which several individuals or groups are seeking the same end, but not all of them can achieve it, tend to be less efficient and result in poor quality of product and achievement. Competition tends to dissipate energies in unproductive ways. If the real goal is to build something, or restructure, so that the whole adds up to more than the sum of its parts, then the challenge for Government is to find

ways to encourage co-operative behaviour rather than competition. Co-operation is clearly the most advantageous strategy when all the parties are relatively interdependent as we are in Canada.

Canada is locked in an internal competitive struggle that is dissipating the energy of its people, lowering morale, reducing productivity and causing the country to underachieve. The Government must play a leadership role in ensuring that Canada's blueprint Constitution supports and stimulates co-operation among the Canadian people and discourages the competitive situation we are now in. What Canada needs at this time is less competition and more co-operation.

In closing, let me ask you this: Can any of you really believe that Canada is on the verge of breaking apart? I know that I cannot. I do not want to believe it. Yet there are many people in this country who are working toward that end. The forces breaking us apart are strong. The voices for the separation of Quebec are very loud, and we will have to work very hard to prevent this from happening.

Canada is a great nation, and we have so much going for us and so much potential. We have so much to offer the rest of the world, but we can only achieve greatness through unity. We need a blueprint for this country through the Constitution that allows us to realize our full potential. We must strive, above all else, for Canadian unity, because Canada together does add up to more than the sum of the separate parts.

The Constitution should contain a Canada first clause, establishing Canada as the national identity for all the people who live here, and under this umbrella the Canadian Charter of Rights and Freedoms would provide the guarantees that would allow individuals and groups to achieve their full aspirations for culture, language, or religion. We need to encourage and assist those who have not yet achieved economic and social equality in Canada, and we need to support the aspirations of those who wish to maintain distinctive cultural or linguistic identities. However, this should be done within the laws of Canada without detracting from the rights of others.

With reforms in our political systems and with our leaders fostering co-operation, instead of competition and confrontation, the confidence and morale of the Canadian people could be restored. With our spirit of co-operation reawakened and with our shared desire

to make Canada the greatest nation in the world, we will succeed. By working together we can achieve greatness. I believe we owe it to ourselves to unite this country and to hold it together. If we do it, we will all be winners.

Ladies and gentlemen, we have a big job ahead of us, let us get at it. Let us do it for ourselves and for the sake of our children. They need us to give them a safe and prosperous home now and in the future, and let us not let them down.

Mr. Chairman: Thank you, Mr. Ramage. Questions?

Mr. Carr: Mr. Ramage, I just want to compliment you on a first-class presentation. Sometimes people ask us if all this is worth while. Every once in a while we get a presentation that is a bit off topic; sometimes even one would say a bit bizarre. My answer has always been, yes, it is worthwhile. I think you are probably the best evidence that I can trot out to make that point.

You spoke from the heart; you spoke from your own experience as a Canadian; you spoke on behalf of your children; you spoke with passion, with commitment, with intelligence, and it is presentations like this that keep us going through many long hours. For those reasons I have no questions, but I am full of gratitude to you for the kind of presentation you have given us today. Thank you very much.

Ms. Friesen: Thank you too for a very elegant presentation. I was interested particularly in your recommendations for the Senate. I wondered if you were basing this on something. It is not exactly, but it is very close to the way in which the Iroquois law worked, the way in which the Iroquois confederacy operated at the time the Europeans arrived, and I wondered if you arrived at it by accident or by basing it on something in particular.

Mr. Ramage: I have to confess it was by accident; those are really my own views. I guess, however one assimilates the information that goes into forming one's views, that is how it was developed. It is not based on anything.

Ms. Friesen: That sense of passing things backward and forward until a consensus is arrived at is not quite what you have said, but it is approaching that kind of co-operative ideology you were talking about.

Mr. Ramage: It is the sense of co-operation and working together to try and build something, and obviously if some thing has some flaws in it, which as it happens in the current system, something has some

flaws in it and goes to the Senate and they can debate it till forever and have very little impact on it.

It seems to me, it would be far more advantageous to everyone concerned that if they recognize some flaws in it or have some concerns with it, and particularly if representation is based on a regional basis, then this would be a different look at it. Then it would be to everyone's advantage to send it back to where it came from in the first place and say, okay, take a look at it again. I guess the idea of it having to go through the parliamentary process again and perhaps pass with an even larger majority would just enforce the fact that legislation that was passed and gone through that process would be truly representative of what the people of the country desired.

Mr. Chairman: It must have been hours of thought and preparation, Mr. Ramage, to put this together. It reflects very well on your concern about your country like the presentation of Barb Angel before you, on behalf of herself and her husband. We have had many such thoughtful carefully crafted but nevertheless from the heart presentations. As my colleagues have said, it gives us great heart to go on with this whole process. It gives a certain sense of fascination and interest and vitality to the whole process which has gone on for several days, but these moments continue to bring me alive and I think the others with me. There is obviously, I think, a great sense of gratitude on our part for the kind of thinking that has gone into these sorts of presentations, time and effort hopefully well spent. Thanks again.

The next presenter, Mr. George Slivinsky. The next presenter, Mr. Jeff Brown. Thank you, sir, welcome.

Mr. Jeff Brown (Private Citizen): Thank you. I am here today to express my feelings on what Manitoba's position should be in the ongoing constitutional changes.

Although Quebec is causing the current upheaval, we must first address the Native situation. We have lied and cheated to them for 400 years and continue to do so now. I would suggest we return the land above and below the ground to each tribe. The amount of land would be dependent on the references made in past treaties. Where there are no treaties, they would be given traditional lands. Where the land has been destroyed or otherwise cannot be returned, money should be given in exchange. Of course, this appears to be very costly and it will be, but I ask on whose wealth is this country based?

I agree with many of Phil Fontaine's points, and it would appear that we have a position from the Natives that we can work with. In that case then, we must assure that any new arrangement is fair and does not require future money to be given as guilt payments. In short, the Natives must be taken seriously and this problem must be given priority over any other.

Next, we must address the problem of provinces wishing to leave the Confederation. We as a country should make it clear that we will not use force, as we have in the past, to keep control of any region of the country which wishes to be independent. On the other hand, we must also make even clearer that we should not be party to the destruction of this country by helping a region leave. In other words, if a region wishes to separate, they will not be given assistance in setting up the new state. All federal assets would be sold or taken out of the area. The new regime would not be permitted to use our currency or any other benefits that should only be available to Canadians, and our relationship would be country to country.

If there are border disputes, we will use force to protect our interests. In the case of Quebec, there will be border problems. They have not fully accepted the borders of Newfoundland and also want control of all of northern Quebec. The land Quebec is entitled to is only that land which is not Native land and should certainly under no conditions be larger than the borders as they were in 1867. The rest of the land acquired by the province was done so under the condition they were a province.

These principles should apply to all the regions. In the case of most provinces, they would not be entitled to very much land if they choose to leave without consent. One would hope this idea would discourage regions from leaving the Confederation without serious considerations, but at the same time enable those who feel they must leave to leave.

* (1850)

We may decide on yet another route. There may not be a desire to have a country without Quebec. Indeed, it can be argued that Canada by definition includes Quebec and without Quebec should be renamed. In this case, the whole country should be dissolved, the assets shared on a regional basis. The borders of the new areas could be provincial borders after the Native situation is addressed. This would require a referendum with a high approval rate. It would then be up to each area to decide whether it

wants to join the States, remain independent or join with other provinces.

The one unacceptable route is the one we are currently taking. We cannot permit Quebec to decide what it wants to take from Canada and then just take it or demand it. Since Quebec dominates the federal Government, the Civil Service and the bureaucracy, they are in a position to plunder many of the resources we have in Ottawa. An example of this is shown with the recent immigration changes and with the Meech Lake debates.

The principle of these changes were rejected by the constitutional system and by the people of the country, yet the Government overruled the people's decision and gave Quebec the immigration changes they wanted. Immigration is the responsibility of a country, not a province. People should have free movement within a country, and therefore, the country should control the immigration.

We in this country have another problem that can be addressed by changing our Constitution and that is one of democracy. Canada is not a democratic country. We, the people, have no control over how this country is being run or should I say being destroyed. In this area, we need proportional representation. This would be the only fair way to run a democratic country like this.

Proportional representation means the Party would be entitled to the same proportion of seats in the House as it received in the popular vote. This would provide truer regional representation, and no votes would be wasted. It would be nice if we here in central Canada could have a say in which Party forms the federal Government. My vote has never had this influence. Indeed, I need to only watch the results from the East to see what a wasted effort it was for me to be involved in the election.

With proportional representation each vote would count and smaller political Parties could be heard. Most of the official languages section should be removed from the Constitution. The official language should be English or the most common language of the area. Public money should not be spent on different language schools. If a cultural group wish instruction in their own language, they should be encouraged but not financed.

The French culture or any culture should not be forced on Canadians via mandatory bilingualism or the hiring of one people or the people from one culture over another. The Government should not be involved

in encouraging or discouraging the growth of any cultural group. Of course each person should have the right to use whatever language they want, where they want, but the working language should be the most common language and somehow I feel that Manitoba's position at the next negotiations, whatever form they take, should include as follows: (1) Native land claims must be settled; (2) the country should not assist in its own demise; (3) proportional representation; and (4) no free trade.

Thank you very much for this opportunity.

Mr. Chairman: Did you come down from Gillam for this presentation, sir, or were you otherwise—

Mr. Brown: Yes.

Mr. Chairman: You came down specifically to make the presentation.

Mr. Brown: We hoped to accomplish other things, but it did not turn out that way.

Mr. Chairman: Oh, I see. Well, we very much appreciate the effort you made to come down from Gillam and speak to us. Are there questions?

Mr. Brown: I would like to emphasize the—it was mentioned earlier there that the borders of what the new Quebec would look like. If Quebec seriously separates, this is something that we have to address because the rest of Quebec from the original borders was given to them under the condition that they were a province and remain part of the country. Of course, I would feel they are not actually entitled to that large area. Especially since the Natives may have claim over that, we could not hand that over to a different Government without having those disputes settled.

Mr. Chairman: The presentation, sir, does not address the—you talk a little about parliamentary reform, and you express your interest in proportional representation for the House of Commons as the method of voting. What is your position on the Senate? Do you have a position at all on the Senate, whether it should be abolished or retained?

Mr. Brown: I do not think under any condition we should abolish the Senate and leave just one House. Any form of Government which has just one House would leave itself too open to the risks of dictatorships. We can see around the world that lots of dictatorships operate in the sense of a democracy. I think Mexico is sort of similar in that. With just one House, with no one to counterbalance the effect of that House, it is easily controlled. The Senate could be used to—how do you say?—maybe sell the idea

of changing the House of Commons to the East. We could tell them, well, we will not change the Senate as dramatically, and you will still have a lot of control there, but in the meantime you will give over some control to the rest of the country.

Ms. Friesen: I just wanted to pick up on your comments on a single Chamber on one House. Are you comfortable with provincial Governments having one House? I wonder if you could explain what the difference is, or do you feel we have a dictatorship here?

Mr. Brown: Well, we certainly do not in Manitoba, and that is one of the reasons I enjoy living in Manitoba. On the other hand, in some provinces, even here I suppose, there could be the risk of that happening. The federal Government should be able to step in and say, look, you have to abide by the Charter of Rights or our Constitution. Of course, with the notwithstanding clause, it would appear that does not happen right now, but I also hope that we get rid of that.

Ms. Friesen: Thank you.

Hon. James McCree (Member for Brandon West): You speak in support of a proportional system of representation in the House of Commons and that is to protect, I take it, regions outside the centre where the major population centres are. In Manitoba, we have basically a one-person, one-vote system, and there has been concern that the North and rural Manitoba representation is diminishing as the city of Winnipeg grows. Can I take it that your comments would apply to a Manitoba situation as well where a system of some form of proportional representation might be considered to protect the traditional representation of the North and of rural Manitoba?

Mr. Brown: Myself, I am not so sure that proportional representation would solve the problem as I see it in the North, because we do have fewer votes. It is intrinsically unfair to give a minority of people more power with their vote merely because they occupy an area of land that not too many other people live in. I am not sure that proportional representation would address that problem. That problem, I am not sure how it could be solved.

One, I would feel myself is—I live in a riding where it is enormous, truly enormous, so large that I was not able to meet the candidates, although I suppose I met one in particular. Mr. Harper was, for whatever reasons, unable to show up in my area until the day before the election. It is such a large area, it is

unreasonable to expect him to actually represent the Port of Churchill right down to Blasett. I think cutting it up into smaller chunks there would be a good idea, but again we are back then to the one vote, one person. These 20,000 people get to elect a Member and it takes 40,000 in Winnipeg to have a Member. I am not sure how that problem could be addressed.

* (1700)

Mr. Chairman: There is, I guess, an unspoken assumption in your presentation, and I want to be sure that I do not misrepresent you that you would like to see the continuation of a strong central Government.

Mr. Brown: Yes, I would myself. If other Canadians do not want to run the country that way, I can adapt to that as long as all Canadians have a say in that. I like the idea of referendums, but, of course, I have not been familiar with any except the one that rejected French separation in 1980. I can adapt to whatever the majority of Canadians want to do. Myself, I think we should stay with a system similar to what we have, a strong federal Government with very clear jurisdiction in certain areas and provinces with very clear jurisdictions and neither the twain should meet. It should be very clear.

Mr. Chairman: Are there any other questions? Thanks very much again, Mr. Brown.

Mr. Brown: Thank you very much.

Mr. Chairman: Recalling now Mr. Davis, Ms. Sandler, Mr. Slivinsky.

Well, then, ladies and gentlemen, that completes our afternoon agenda for presentation. We will be adjourning until 7 p.m. this evening. We return with a very full slate of presenters starting at that hour.

We thank you very much for joining us this afternoon and for making presentations. We appreciate the few good folks who come and sit through all of these events as audience. We are very grateful for those who join us on Channel 7 to watch on television. We hope you can join us again this evening, both here or on television. Until then, good afternoon.

...

The hearing took recess at 5:03 p.m.

After Recess

The hearing resumed at 7:04 p.m.

Mr. Chairman: Good evening, ladies and gentlemen. Welcome to our evening session of public hearings

this Saturday. A particular word of welcome to those who are watching us in this room and also those who are with us this evening on television or, I guess, we are on television. You are watching us on television.

We have quite a long list of presenters for this evening, and we are looking forward to hearing from you. The rules are in the pamphlet. I would ask if you would be kind enough to peruse them if you have not done so. The main one for our purposes is the time limit of 20 minutes on speeches. After 15 minutes, you will hear a bell, a single bell, which obviously means you have five minutes left. When 20 minutes have elapsed, there will be a double bell, and we would ask you to conclude your remarks at that point.

Then we will have a period which may or may not be filled by questions from Members of the task force. Sometimes there are questions; sometimes there are not. Please do not feel slighted if there are no questions. Your presentation may be self-evident and not require any questioning. On the other hand, there will be occasions when the Members of the task force would like to ask you for some clarification or amplification on what you have said.

I will introduce the Members of the task force presently, once they have all assembled. We had quite a long and late afternoon this afternoon so not all the Members are assembled at this point, but we expect that soon to be the case, and then I will pause to make introductions.

Meanwhile, I will ask the first presenter to come forward, Mr. Greg Krawchuk. Good evening, Mr. Krawchuk.

Mr. Greg Krawchuk (Private Citizen): Good evening. Mr. Chairman and Members of the committee, I am grateful for an opportunity to speak to you tonight. I did not prepare any briefs, but I will get them as soon as possible to you.

Mr. Chairman: Not a problem at all.

Mr. Krawchuk: Okay.

Mr. Chairman: If you would like to send us something in the mail, the address is inside the pamphlet. You would not mind just turning that microphone a bit toward you, sir, we will catch you a little bit better that way. *-(Interjection)-* Yes, that is good.

Mr. Krawchuk: I guess my purpose this evening is to express my views as a private citizen. I do not represent any political Party or any other affiliation. I think, after I am finished, there should be a greater

understanding of what we should expect from a Government.

I guess what I would like to do is, I would like to have the task force just consider for a moment, if you would, of where we are in history, think of all the civilizations that have come and gone, and ask yourself which people have progressed the most in terms of freedom of religion, technology and standard of living. I am only talking about the last 7,000 years, because that is about as far as recorded history goes, and for all intents and purposes, I think that is quite adequate.

We have the seven wonders of the world, and as glamorous and wondrous as they might be, do they compare with going from a horse and buggy to putting man on the moon in a mere 100 years? Did you know it takes about 10 square kilometres of natural surroundings for one man to survive in the wild, but if he were to cultivate the land, he would only require an acre to sustain his needs?

Did you know, around the turn of the century, that over 90 percent of Canadians were farming because they had to? Did you know, within the last few years, that only 3 percent to 4 percent of the Canadians were farming, and their yields were in such abundance that they were exporting to countries 10 times our population and supplying their needs?

Technology is running so rampant that many products are obsolete after a year on the market. Blueprints for a computer chip take up the size of a football field, yet all the circuitry can be blown down into the size of a pinhead. Hi-definition TV is around the corner. Cold fusion may be possible; maybe it will get us 15 million miles to the gallon. I could go on, but I think we can safely say, we have progressed more in the last 100 years than mankind has in the previous 6,000.

* (1910)

Never before have there been so many different ethnic groups free to practise their religion in a peaceful surrounding as we have now. Of course, with the increase of technology, the standard of living went up. We all enjoy temperature-controlled residences with fridges, stoves and all the modern conveniences.

Now here is a multimillion-dollar question: What is the single, most important thing to have happened in history that has allowed this great achievement? Did men evolve to a higher intelligence in the last 100 years?

I do not think so. If you were to take Josephus, the Jewish historian, at the time of Christ and bring him forward in today's society, I do not see him having any problem of being a professor at the University of Manitoba.

If you were to bring forth King Solomon, let us say, and let him study our language and laws, I do not see him having any problem of being a Supreme Court Judge. If you were to take even insignificant people in history, the fishermen, coal miners, whatever, I do not see them having any problem in functioning in today's society. The question is not whether or not people have become more intelligent, I think; what it is, is that in the last few hundred years, we have had some wise people who have put together some very good Constitutions and allowed men the freedom of thought.

I am thinking about one Constitution in particular, and that is the Declaration of Independence. I think it has done more for Canada and the rest of the world than any other Constitution, both since and before. If it sounds like I am pro-American, I am not scared to give credit to someone where it is due. History has spoken.

If the truth be known, Thomas Jefferson is the author of the Declaration of Independence, and his ideas came primarily from an English philosopher by the name of John Locke. So the ideas originated in England, where we get our heritage and where we base our parliamentary laws, but these English concepts were put into practice in the United States.

The Declaration of Independence was to tie the American colonies together until a later date, then they would form a Constitution of the United States. The most important paragraph, we hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness.

Later, after they had written an American Constitution, the fifth amendment to the Bill of Rights covered this; that they will have the right to life, liberty and property. In a short span of the United States of 160 years, with 6 percent of the land and 7 percent of the population, they acquired 50 percent of the world's wealth. I think it is a pretty good track record.

Why am I saying all this? To make a long story short, and I firmly believe this, if the Roman Empire had the American Constitution and practised it diligently, it might have taken them two or three

hundred years to go on the moon. All man has to do is go to the library and see the injustices perpetrated on mankind just for thinking a little bit different, such as Galileo, Martin Luther, Jesus Christ, John Locke, John Wycliffe, William Tyndal, all these people could have enlightened man and elevated them to new heights. Instead they were executed, or living in exile or imprisoned because there was not a political system to protect them.

For 114 years Canada had no Charter of Rights written down. We had blind faith in our leaders that they would exercise democracy on tradition. Now the constitutional Act of 1982 changed that. Part I of the constitutional Act known as the Canadian Charter of Rights and Freedoms has made no mention to the right of private property. This is a basic right that the people through the centuries have been fighting for. Not only that, John J. Stewart Langford, a lawyer for The National, he was a correspondent for The National CBC nightly news, said, what practical impact of the Charter on the everyday lives of Canadians will be impossible to predict? Without question, our lives will be changed, but the extent of that change may take years to determine. Two aspects of the Charter guarantee that a lengthy and complex process of interpretation, clarification is ahead of us before we can confidently say the Charter of Rights and Freedoms guarantees me this.

Mr. Chairman, with ultimatums and the deadlines that Quebec has handed us, and with the 500-and-something land claims that are outstanding with the Natives, the national debt being I believe at \$3,360 billion. Being in the middle of a recession and a war, is it really time to ramrod this Constitution through Parliament? I am afraid that Canada will not survive another 10. We have no choice but to succeed.

Recently I have been working for a circulation and newspaper company on a country run, and I was under a limited budget and had to make a decision on the vehicle that was fuel efficient, reliable and maintenance costs were minimal. What it boiled down to was what were the track records of these different companies that manufactured these vehicles?

What kind of vehicle can we use to put Canada into the 21st Century? Have we analyzed other countries and studied their strengths and their weaknesses? Have we learned from history to benefit ourselves? I think the logical next step is to let the political Parties take a good position, a solid position, on the vehicle that they would need or they feel that they would need

to put Canada in good standing in the world market. I think it would be a good idea if the political Parties got together and made it public what their platform would be and then call an election. I do not know if the present Government has the consent of the people right now to go ahead on this matter.

The platform I would make after the election, top priority would be to settle land claims with the Natives. Quebec has inslated themselves having special status and French being an official language. To a large degree they have achieved their goals. The Natives on the other hand have signed treaties with the Queen and the federal Government that are just as binding as Quebec's demands. So if Quebec was able to make French an official language, then the treaties such as Treaty 6 should be settled. What is good for the goose is good for the gander.

In the Winnipeg Sun, just a few days ago, Elijah Harper's editorial: If Quebec were to attempt to separate from Canada, it would first have to settle with the Cree, Algonquin, Mohawk and Inuit residents of that province. Their land claims exceed 85 percent of the land mass of Quebec.

It goes on to say: The First Nations of this country have made it clear that they want to remain in Canada and want outstanding land claims settled.

I think that if we are going to settle the land claims, there has to be concession on both sides. Canada does not have the money to settle all land claims. They could run into billions of dollars. Some things will have to be deferred, but if we treat the aboriginal people honestly and fairly, I am sure they would do all they could to accommodate us and make us a strong nation. It is in their best interests that Canada survive. Once that was behind us, then I would start instituting the proper role of Government.

* (1920)

I am going to read you something from a book that was written by Ezra Teet Benson who was a secretary of agriculture under Eisenhower, and I think it is self-explanatory:

The important thing to keep in mind is the people who have created the Government can give to Government only such powers as they themselves have in the first place. Of course as James Madison, sometimes called the father of the Constitution, said, if men were angels, no Government would be necessary. If angels were to govern men, neither external nor internal controls on Government would be necessary.

In a primitive state, there is no doubt that each man would be justified in using force, if necessary, to defend himself against physical harm, against death and the fruits of his labours, and against enslavement of another. The principle was clearly explained by Bastin. Each man has a natural right from God to defend his person, his liberty and his property, and these are the three basic requirements of life. The preservation of any one of them is completely dependent upon the preservation of the other two. For what are our faculties, but an extension of our individuality? And what is a property, but an extension of our faculties? So far, so good; but now we come to the moment of truth.

Suppose a pioneer wants to buy a horse for his wagon. He does not have the money to buy one, but since pioneer "B" has an extra horse, he decides that he is entitled to share his neighbour's good fortune. Is he entitled to take his neighbour's horse? Obviously not. If his neighbour wishes to give it to him or lend it to him, that is not the question. So long as pioneer "B" wishes to keep his property, pioneer "A" has no just claim to it. If "A" has no power to "B's" property, can he delegate such power to the sheriff? No. Even if the community desires that "B" give his extra horse to "A," they have no right individually or collectively to force him to do it.

In general terms, therefore, the proper role of Government may include such things as defence activities, and for the purpose of time I will just speed through this, the maintenance of courts, and establish the monetary system.

My attitude towards Government is succinctly expressed by the following provision in the Alabama Constitution that is so obvious—and the only legitimate end to the Government is to protect the citizen in enjoyment of life, liberty and property. When a Government assumes other functions it is usurpation and oppression.

To be sure, there are times when this principle and proper role of Government is the most annoying and inconvenient. If I could force the ignorant to provide for themselves or the selfish to be generous with their wealth—but if we permit Government to manufacture its own authority out of thin air and create a self-proclaimed power that is not delegated to it by the people, the creature exceeds the Creator and becomes master. Beyond that point, where shall the line be drawn? Who shall say this far and no farther? What principle will stay the hand of the Government from reaching farther and farther yet into our daily

lives? The reason why I bring that up is because of the huge debt that we have.

Right now, I think one-third of the total revenue that is coming in through taxes is going to the national debt, and it is, you know, to pay for programs like welfare, grants, loans to other countries, medicare, Canada Pension. A lot of the times private enterprise—

Mr. Chairman: Do you just have a sentence you want to conclude with?

Mr. Krawchuk: I just wanted to say that a lot of times a lot of these things could be taken care of by the corporations.

Mr. Chairman: Thank you, sir. Are there any questions? Thanks again.

The next presenter is Ms. June Komadowski.

Ms. June Komadowski (Private Citizen): Good evening, ladies and gentlemen. I did not realize that these notes would be taken as my speech, so what I say orally I would like transcribed as my actual speech. All right? You can follow along by these notes. All right?

Mr. Chairman: That is the way it will be, Ms. Komadowski. The speeches are taken from the recording, not from the written script.

Ms. Komadowski: Very good. It is the same as Meech Lake then. Thank you.

When I first spoke at the Meech Lake hearings, I spoke on behalf of the aboriginal people from sea to sea to sea. It was, and still remains, the most important constitutional issue. In fact, it is more important now than it was in April of 1990. As Canadians we heard Premier Bourassa's first statement after the death of Meech Lake, and he said: The aboriginal people will wait a long time before Quebec negotiates with them. We saw he carried his statement further at Oka when he took up arms against our true Canadians who were defending property that was theirs, knowing full well that, even if they went to court and won, which they did before, the golf course would be built for the Quebec elite.

Quebec, with the help of the Canadian Government and the Canadian Armed Forces, inflicted on our aboriginal community the same form of torture used against our troops by Japan during World War II, and the Chinese people of Tiananmen Square in China. All three groups were fighting for democracy, and I am sorry to say, I feel we no longer have democracy in Canada.

We have seen and heard Quebec's temper tantrums, and each time politicians have given into Quebec, not because Quebec was right, but for political power at the expense of the rest of Canada. Let us face facts. Quebec does not want to be Canadian. Quebec wants to do her own thing but, like a spoiled child, still wants to hang on to the apron strings, because Quebec knows she cannot survive on her own. We see this in her latest proposal.

Quebec wants to use our money and keep economic ties to Canada. Let Quebec go. Give Quebec that tiny strip of land. Give Quebec their share of the debt, break all ties with them and let us get on with Canada, Canada who is falling apart all the time because the spoiled child is getting all the politicians' undivided attention for their own political gain.

Before I go on, I would like to say that the aboriginal issue must be looked into. It must be dealt with now. We cannot go on and build a Constitution in Canada without resolving our aboriginal issue. I do not feel we can go on with the Constitution until we have a federal election, because we do not have democracy now. We have some form of a Mafia-based Government.

With the death of Meech Lake, we now see that the federal Government has already given Quebec the immigration which was one of the important issues in Meech Lake, and I hope one day that we will be able to see recall in Canada, when our politicians do not listen to the people, that we will be able to collect signatures and say, all right now, you did not listen to your constituents, and therefore, you are out. We will get someone in there who will be good for us, good for Canada and help unite us.

Now what do we want in our Constitution to make a united Canada? We want the Canadian flag to fly from every Legislature across Canada, and any Legislature which does not fly the Canadian flag does not deserve the prestige and the benefits that come with that flag. We want the Canadian boundaries, land and water, clearly defined, including the body of water off the coast of British Columbia which politicians now are referring to as the disputed water. I want to tell all of you now, that is Canadian water. It is not disputed; that water belongs to Canada.

Each province, no matter what size or population they have, must have equal representation in the Senate, elected by the people. Our Charter of Rights guarantees us equality, and the federal Government must let us be Canadian and change the census to

include Canadians, not the way it is written now. We must include the Yukon and our territories in the Constitution so Canada can expand as time moves on.

* (1930)

Let us also see it stated in the Constitution that no political leader, no political group or no political individual refer to a part of Canada by the language they choose to speak. By this I refer to Mr. Spicer's remark: The people of English Canada better smarten up. I totally resent the use of the phrase English Canada, coined during Meach Lake. I am a western Canadian, and western Canada is made up from people of all ethnic backgrounds.

We also want the capital of Canada clearly defined; it is Ottawa.

Lastly, I say this to everyone, and this comes from the bottom of my heart to everyone in this room, in Manitoba, and also to the rest of the people in Canada who may hear and read my speech, let us keep our ethnic heritage. Be proud of it. Some of our children have two ethnic backgrounds, but let us no longer be Scotch, English, Polish, Ukrainian, German. Let us be proud Canadians and work together under a Constitution of equality to once again have a united Canada from sea to sea to sea. I thank you.

Mr. Chairman: Thank you, Ms. Komadowski. Are there any questions? Thank you again.

Ms. Komadowski: I would like to make one thing, and I would like it clarified so it also goes on record, please. Earlier in these hearings in the Legislature, you had either a constituent of Jake Epp or a friend of Jake Epp, and at that time, he said that Quebec, New Brunswick and Manitoba were bilingual provinces. I would like it to be recorded and put on record that Manitoba is not a bilingual province. Thank you.

Mr. Chairman: Thank you. Before I call on the next presenter, I would like to introduce the Members of the task force who are here with us tonight.

At the far end of the table, on my left, not to indicate his political leanings necessarily, of course, is Mr. Darren Praznik, who is the Member of the Legislature for Lac du Bonnet. Mr. Praznik is Minister of Labour, among other portfolios, in the Government of the Province of Manitoba. Next to him is Ms. Jean Friesen who is the New Democratic Member of the Legislature for Woleseley. On my immediate left is Mr. Kevin Lamoureux who is the Liberal Member of the Legislature for Inkster.

On my other side, my immediate right, is Mrs. Shirley Rander, the Conservative Member of the Legislature for St. Vital. In the middle of the group on my right is the Honourable Jim McCrae. Mr. Jim McCrae is the Conservative Member of the Legislature for Brandon West, and is Minister of Justice and Minister for Constitutional Affairs in the Government of Manitoba. At the end of the table, on my right, is Mr. Oscar Lathlin who is the New Democratic Member of the Legislature for The Pas. My name is Wally Fox-Decent.

Ladies and gentlemen, we proceed to our next presenter, Mr. Bob Goodwin. Hello, Mr. Goodwin. You will introduce the gentleman with you?

Mr. Bob Goodwin (Private Citizen): This is Gary Vincent. He lives in my district. He was one of the concerned citizens who got up to make up this brief for you. Can you hear me all right?

Mr. Chairman: Yes, I can, thank you. You are presenting as a private citizen though, are you?

Mr. Goodwin: Yes. I am not with any groups.

Mr. Chairman: Okay. Thank you.

Mr. Goodwin: I am going to speak on the economy a little bit, because I do not think you can discuss the economy and the Constitution. I think they pretty well go hand in hand. I would like to make a few statements on the economy and go on to talk about the Constitution.

With all due respect, I would like to talk on the following, with the federal Government reaching new lows in popularity of any Government and Party since polls were started in 1940 and the federal Government losing credibility with all sectors of Canadian society, in my opinion, I will give my reasons why and give my reasons for changes to make Canada a better place to live for all Canadians.

The first one I would like to talk on is the awarding of the CF-18 contract, for political reasons, to a Montreal firm when a Winnipeg-based firm put in the lowest tender, which had the technology, expertise and manpower available in Winnipeg to do the job.

My second I would like to talk on is VIA Rail. The former President Deecoray (phonetic) in September '89 made presentations to the federal Government to build a Windsor-Quebec corridor, light rapid transit or monorail system and buy new or upgrade dilapidated equipment on the rest of the system, and getting CN and CP to stop charging train robbery rates for the rental of their lines.

In January 1990, VIA reduced the work force to half. After making the cutbacks, the federal Government set up a royal commission on national passenger transportation, and looking over the list of the people on the commission, they would be more suited for a Tory fund raising dinner or head of our local Chamber of Commerce, creating the impressing of a rubber-stamp commission which will report back to Government whatever the Government wants to hear.

The third point I would like to talk on is the disgrace of the GST, stacking the Senate with political hacks to pass the GST at considerable expense to taxpayers and getting permission from the Queen.

Another one I would like to talk on is in the all sectors—a Winnipeg Chamber of Commerce spokesman estimates that Canadians living close to U.S. borders will spend over \$1 billion shopping in the U.S., resulting in lost business opportunities, lost jobs and tax revenues, and North Dakota passing a bill to open up Sunday to cash in on the windfall, and the high interest rates, the high Canadian dollar and Free Trade Agreement. Canadian Manufacturers' Association spokesman estimates the layoffs of 180,000 jobs and up to 90,000 permanent layoffs in 1991.

The Free Trade Agreement—Canadian Labour Congress spokesmen estimates a loss of 220,000 jobs in Canada. Now, that is a shame and a disgrace, the estimated loss of over hundreds of thousands of jobs and The Canada-U.S.-Mexico Free Trade Agreement. Large corporations like the auto parts industry are going to go down there in that north free zone in north Mexico and get Mexican people to work for 98 cents, a dollar. They are already calculating the millions of dollars in profits they are going to make on this deal.

I would like to talk on Hibernia for one moment. There is a consortium headed up by Amoco. The total cost of the project was \$8.5 billion, \$2 billion in loan guarantees by the federal Government and \$5 million in outright grants, and 110,000 barrels per day to be refined in the U.S.A. Instead of them giving money away to multinational companies, Canada should take an equity stake in projects. Amoco earnings in the fourth quarter were 60 percent; they were up. Their gross was \$9.2 billion and their profit was \$538 million. A company with that amount of revenue, do they need any handouts?

Then the selling of Petro-Canada, the Government will lose money on selling Petro-Canada and will give

back \$700 million on the sale of the first 15 percent back to the company.

* (1940)

Instead of taking windfall tax to pay for the Gulf War, over \$20 to be split by Government and companies, they are giving oil companies handouts when they are already making \$538 million for the fourth quarter. I do not know where their brains are.

In Manitoba, the federal Government has owed us \$35 million for a year and a half for the emergency evacuation of people in northern Manitoba, and we are still waiting on our money. In the meantime, the feds are spending money like a bunch of drunken sailors on large corporations, Amoco \$500 million, Petro-Canada \$700 million, \$66 million to build an opera house in Toronto and \$55 million for a National Archives Building in the province of Quebec.

If I was a French-speaking Canadian living in Quebec and reading some of the aforementioned statements, I would probably consider an independent Quebec, and figure it cannot be any worse than it is now.

This Government is making a mockery of the democratic system in Canada. It is stacking the Senate—Premier Buchanan's appointment to the Senate while under RCMP investigation for wrongdoings in Parliament and kicking Senator Carney off a committee for not voting along Party lines. The present Government should resign and call an election for mismanagement of the economy and not dealing with issues which could cause the break-up of Canada: Senate reform, Native land claims issues and Native self-determination.

In 1985, non-treaty Native women who were married to non-Native men were granted treaty status, causing a critical shortage of housing and long waiting lists for housing on a lot of reserves, with no funding from the federal Government. The previous federal Government was negotiating in good faith with Native leaders and were close to signing an agreement on Native land claims, while the present federal Government failed to respond to talks through meaningful dialogue on Native land rights.

When the provincial Government in Quebec won the election, they invoked Bill C-180, the notwithstanding clause, and passed a Bill—French-only signs in Quebec, outside signs.

In my opinion, you can blame the present federal Government and the present Liberal Government in

Quebec for the defeat of the Meech Lake Accord, for changing conditions over the 3 years waiting period.

My recommended changes to the present Constitution and suggestions to make Canada a better place to live:

Whereas newspaper reports show business in 1989 deferring taxes of \$34 billion per year and in cases, deferring taxes in perpetuity, therefore be it resolved large corporations pay their fair share of taxes and close the loopholes available to them to avoid paying taxes. Have a fair minimum tax.

Whereas the Government of Canada and the business community wants to open up immigration in the textile industry for sewing machine operators, et cetera, and in most cases working for minimum wages which in most provinces are below the poverty line, therefore, be it resolved the federal Government pay to school districts the added cost of teachers in school districts which have a large influx of immigrants who cannot speak, read or write English or French.

Whereas we have to get permission from Her Majesty the Queen—example, the appointment of eight senators. I thought in Trudeau's day, 99.9 percent of the people in Canada thought we got the whole bloody Constitution back. Therefore, be it resolved Her Majesty the Queen have no part of the laws and Constitution of Canada. Get rid of the fat.

Whereas the Governor-General of Canada and the Lieutenant-Governors of the provinces are representatives of Her Majesty the Queen at a large expenditure of money, the people of Canada, therefore, it serves no meaningful purpose to have Her Majesty the Queen represent us in Canada. Abolish positions. Canada should try and get away from the colony ties that we have with Britain. To meet foreign dignitaries, et cetera, the Government could select some person elected to Parliament to serve as Ambassador to Canada and cut out the fat in Government.

For instance, I went to a place in Toronto two years ago, the Governor-General's Horse Guards were giving a musical ride; half an hour later, you have the RCMP Musical Ride. Do you need duplication? There are millions of dollars wasted.

Whereas Canada's commitment to NATO reduction in troops and Canada's peacekeeping force, costing \$171 million per year, therefore, be it resolved Canada put a cap on military spending during peacetime and cut back peacekeeping forces

by one-third. If Canada takes part in peacekeeping forces after the war, Canada should insist the rich countries of the Middle East pay the cost. Canada is not a big piggy bank.

Whereas the past Meech Lake Accord excluded any Native participation, therefore, be it resolved any meetings on constitutional change at the federal-provincial level include Native representation.

Whereas in Canada you have to pledge allegiance to the Queen, therefore, be it resolved people pledge allegiance to Canada—get rid of all this crap and the Queen.

Whereas Canada's position is to appoint senators with the federal political Party in power selecting senators, the cost of running a Senate costing \$42 million a year and the Senate being set up for the Government to get a sober second thought, therefore, under the present system that serves no meaningful purpose. The federal Government appoints the Senate, stacking the Senate for their own political will to pass an unpopular Bill like the GST. Most provinces were against it and most people in Canada were against it. Therefore, be it resolved Canada have elected senators, two from each province and territories to get equal amounts of voting powers to each province and territory and elected each time the federal Government calls election, and/or Bills to be passed by federal Parliament be approved by 55 percent of the provinces and territories.

Whereas, federal M.P.s with six years' service are able to get an indexed pension regardless of age, which is indexed when they complete their term in office, is a shame and disgrace. They have to look after their own coffers first. They do not give a damn about the public. Therefore, be it resolved federal M.P.s wait until age 65 to get their pensions indexed and/or federal employees, who were forced or coerced to take early retirement—VIA, CN, CP layoffs had their pensions indexed at the age they retired. There cannot be one law for the rich and another law for the poor.

In negotiations with Quebec, I would recommend giving Quebec power over culture and new immigrants who cannot speak French or English. Make it compulsory to learn French and the same goes for the rest of Canada. If they come to English Canada and they cannot speak French, they will have to learn English. Their present position is to have the rest of Canada collect tax revenue. If Quebec breaks away from the rest of Canada, they should negotiate

a reasonable agreement agreeable to the rest of Canada and Quebec.

Canada should have a referendum on the following: Abortion, abortion on demand, abortion with the recommendation and consultation of a family doctor are abolished—give people the choice; capital punishment for all murderers, killing of law enforcement officers in the line of duty are abolished; and gun control, keep as status quo or titled gun control.

Thank you very much, sir. Thank you.

Mr. Chairman: Thank you, Mr. Goodwin. Any questions? Thanks again. The next presenter is Mr. Paul Dowhanik (phonetic). I think I may have got your name misspelled on my list, sir. Would you mind spelling it for me?

Mr. Paul Dowhanik (Private Citizen): D-o-w-h-a-n-i-k.

Mr. Chairman: D-o-w-h-a-n-i-k. Dowhanik (phonetic).

Mr. Dowhanik: Dowhanik.

Mr. Chairman: Dowhanik. Thank you.

Mr. Dowhanik: Good evening.

Mr. Chairman: Good evening, to you.

Mr. Dowhanik: I would like to give you my opinion about three issues dealing with the Constitution. Firstly, Quebec; secondly, what some people have called western alienation; thirdly, aboriginal issues. I will try to limit myself to issues dealing with the Constitution.

* (1980)

As defined by Webster's dictionary, constitution is: "The basic principles and laws of a nation, state or social group that determine the powers and duties of the government, and guarantee certain rights to the people in it." I want to approach this issue from a perspective of what is just to the people of Canada and the land's highest references, the Constitution and the Charter of Rights and Freedoms.

I have seen numerous examples of how the Charter of Rights and Freedoms has been broken; for example, the French-only signs in Quebec. I find this unsatisfactory. It is paramount that both the Constitution and Charter of Rights be respected. If certain populations have difficulty with the law as it is, then they have the freedom to try to change that law. This is just what I see the separatists in Quebec trying to do. Separatists often argue that one of their purposes is to preserve French culture, of which

language is a part. As a necessity to that end, they feel that Quebec must have special status, or special recognition in Canada. This, too, I can understand.

Several years ago I travelled to eastern and western Europe, North Africa and the Middle East, and I got a first-hand view of English used in other countries. I understand that people need to protect their culture, and mainly English is a threat to Quebec. Furthermore, immigrants in Canada have adopted English as a preferred language. For example, when my parents were raised 50 years ago, they spoke Ukrainian as their first language. I myself speak very little of the language and, in fact, I essentially speak English, so I can understand people who live in Quebec.

They have this feeling that they need to maintain their language. My sister lives in Montreal, and she has a son whose father is Francophone. I see in that family how it can work where one side of the family says, you know, you can learn English, and the other side, it is just as important to learn French, and it is working.

Quebec is a relatively small population in this huge North American continent and, concerned about their future and culture, they feel steps must be implemented to protect it. This I agree with and respect however the means by which they chose to protect their culture, I cannot accept.

Every person must be equal in Canada. No person may have their rights denied. These are reasons for a Constitution and a Charter, or to paraphrase what I have just said, is that the Constitution of Canada and the Charter of Rights and Freedoms must take precedence over other laws in the country.

If Quebec cannot accept this, then they have the choice to form their own country outside of our laws. If they choose to do that, they must leave independent of law and finance. Why? Because I, as a Canadian citizen, cannot tolerate special status for a select group of people in the law, and I will not have my tax dollars supporting such a regime. Under no circumstance should we aid their departure, but rather if they choose to go and wish to trade with Canada, we should approach the table as business adversaries, heedless of their best interest.

What if Quebec wishes to remain in Canada? It must be understood that they will have the rights extended to them that every citizen possesses, but as shown in the Meech Lake debate and presently in the Liberal Party of Quebec's demands, I doubt that

Quebec will be satisfied in a united Canada. I think they are bent on their own sovereignty or a sovereignty association with Canada.

In summary of this point, I liken the situation to an often-used metaphor of a family. At some point, each member matures and gains their independence. At this point, they either pursue their own determination or modify their aspirations for the unity of the family as a whole. In the case of Quebec separatists, I feel that their allegiance is not to Canada, but rather to themselves. We, as provinces, or brothers and sisters in the metaphor, must be mature enough to allow Quebec its rights, including that of separating, and yet, remain willing to welcome them if they choose to return.

Secondly, and related to the above, is western alienation. If all provinces are to be treated equally, why do people perceive that central Canada does not listen to the West? We need to have our voices heard. One proposed mechanism is via the Senate. For our senators to truly speak for us, they must be elected by us. No more of this patronage pasture land for long-time politicians or Party Members.

We need a strong federal Government to address the perceived discrepancies in our country and through its power correct the inequities. A strong federal Government can keep us united instead of fracturing us in the province states pursuing their own goals. We have a large population base which I perceive as an asset in this ever shrinking world. We need a strong Government to keep us all together and interested in a common goal. I think if politicians applied this philosophy to all the regions of Canada, at least the people in these regions would feel that they are being heard, and then they might have some hope that there could be some change in the future.

Lastly, the aboriginal issue of self-government. I am not sure what latitude the Native peoples wish to control their destiny; however, I support their aspirations. It is easier for me to state what I find tolerable than not so. These are some general outlines. Natives, as Canadians, shall have no special status under the Criminal Code. They will be treated as any other citizen. They should be allowed to have their own civic laws and freedom to exploit their natural resources on the reserves.

As lands claims, they must be settled expeditiously, and the Native people should be recognized in the Constitution as first residents of Canada.

In closing, I think that there are examples around the world that show that people from different cultures can work together to achieve the common good. I was very much disturbed when the Meech Lake debate reached its head because I thought at that time our country would separate, and I had to make a decision of whether I support Meech Lake to keep our country together, or whether I support the principles which I stand for and say I cannot support Meech Lake because it defines Canada in two different areas. It is not equality for everybody. I made the decision to say no to Meech Lake, and I think what we have to do with our Constitution is rely on the reason and common sense of people, saying that we have to treat everybody equal.

That is the idea of a Constitution and Charter of Rights, and from that point on, we can say, let us have respect for your culture and my culture. When I am in Montreal and when someone comes up to me and speaks to me in French, I will try to speak the best French I can and I will not be insulting them if I cannot speak French. Just like when I was in other countries, I could not speak Arabic, but I tried my best and they were quite pleased that I tried to communicate in their tongue, but they knew I could not speak Arabic.

I think we just need some goodwill on both sides, and perhaps we can solve problems for our nation. Thank you very much.

Mr. Chairman: Thank you, Mr. Dowhanik. I will see if there are any questions for you. Thank you again, sir. Mr. Michael Wright.

Mr. Michael Wright (Private Citizen): First I would like to thank you for the opportunity of speaking here tonight. I think it is a step forward that I, as a Negro, am afforded this opportunity. I am sort of disappointed that there are not many more minorities of my background here tonight.

* (2000)

Firstly, constitutional priorities for Manitoba which are in the best interests of the province and the unity of Canada. I think the section of the Newfoundland Act, which states the following, should be brought to more meaningful level in order for individuals like myself to have and maintain status or semblance of such, with dignity and respect. It states the following: Anyone whose rights or freedoms as guaranteed by this Charter—which is the Newfoundland Act, of course—have been infringed or denied, may apply to a court of competent jurisdiction to obtain such

remedy as the court considers appropriate and just in the circumstances.

This Charter applies to the Parliament and Government of Canada in respect of all matters within the authority of Parliament, including all matters relating to the Yukon Territory and Northwest Territories, and to the Legislature and Government of each province in respect of all matters within the authority of the Legislature of each province.

As well, mobility rights, every citizen of Canada has a right to enter or leave Canada, to move to and take up residence in any province, to pursue the gaining of a livelihood in any province. The rights specified in Subsection 2 are subject to any laws or practices of general application in force, other than those that discriminate among persons primarily on the basis of province of present or previous residence.

Everyone has a right to life, liberty and security of person, and the right not to be deprived thereof in accordance with the principles of fundamental—something—pardon me, that is race, there. Everyone has a right to be secure against unreasonable search or seizure, to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent, impartial tribunal. Everyone has a right not to be subjected to any cruel and unusual treatment or punishment. Individuals or groups, including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. Every individual is equal before and under the law and has a right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

It is not just enough any more to have minority rights talked about. Just talking leaves individuals out in the cold. It is time fundamental changes were made to provincial legislation to ensure that some are not abused to benefit the rest. It is not at all impossible that all have rights and are respected regardless of race, creed or colour. It has been my experience that you cannot simply expect rights of all to be respected by the citizenry, so maybe if it was legislated and followed up on there could be meaningful change.

The Charter of Rights ought to be enforced. Believe me it is not currently in effect. Multicultural heritage should be recognized and realized as a salient part of Canada. It should go hand in hand with the rights and

equality issue. This country should be for all who live here, not just French and English. I think that even I should be included. Presently, I am not.

The current division of powers between the federal and provincial Governments, I think that is adequate as it stands, with the jurisdiction having the last say on matters which affect the region, its region, the most. If that is not the case, then it should be the case.

Senate reform, including the concept of an effective, elected and equal Senate is advisable as long as the structure is such that it allows for equal seats, i.e., representation by all the Parties. That would ensure adequate fore and afterthought toward the Bill before its passage.

The amending formula and the amending process for constitutional change is adequate only if just and reasonable import is given to what is being said at these hearings as they progress. As well, the final amendment should reflect the views which have been heard. The constitutional reform proposal being put forward in all the jurisdictions across the country—Quebec, for example.

These should be listened to and given serious consideration, especially considering the failure of the Meech Lake Accord. Care ought to be given, however, to refrain from delineating powers to any province which would make it an elitist group separate from the majority of Canada. There is nothing wrong with being different and being proud of that distinctive feature, but I find the notion or the suggestibility of superiority hard to swallow.

Last, but by no means least, for me I have been relegated to the status of being an Indian, and that is no disrespect intended toward the Indian people, yet I am not given any of the advantages of being an Indian. The Constitution should enshrine the rights of people, no matter who they are as long as they are Canadians, to make it palatable to live and succeed in a country where, at the best of times, life is still very difficult.

Meech Lake failed due to the will of a minority. It should be that any change in the Constitution should allow for 75 percent consent of the populace of this country and not the will of a few who wish to ingratiate themselves.

There were no winners in the failure of Meech. We did not take a step backward or forwards in its failure. We came to a standstill as a country. Now it is up to this commission and others like to assist in moving us forward again. Change is not always good or bad.

Sometimes it can be unique enough to create a new horizon and standard. It is my hope that the changes you effect will do just that for this country, and it will lead to a more optimal future for all of us, no matter who we are, regardless of our shortcomings. The only prerequisite should be a Canadian resident or citizen participating to whatever extent in the growth and well-being of this nation.

It was a great man who once said, ask not what this country can do for you but what you can do for this country. It was said at a different time in a different country, but I think it could be applicable in this country if we changed the wording somewhat. At some point in the history of any country it should be fitting to ask, what can this country do for me?

What you can do for me, and I hope all of us, is bring this country to a point where the laws that affect the justice system, the mores and rules that govern our parliamentary democracy and our way of life, are forced to progress beyond the point of obsolescence, so that we can maybe for the first time in our lives see amongst us ones to emulate, ones to be proud of, so that I can be proud to be called a Canadian wherever I go.

We could for the first time in our history become a model for nations the world over. Changes in the Constitution could affect such will, and though it may be painstaking or bring about turmoil in our hearts and lives, it would bode well for the future of ourselves and those to come.

What you can do for me as well is assist me in leaving this country to relocate elsewhere. I have been used, misused and abused, and I believe it is time something was done for me for a change. I have given everything including my blood, literally, and received nothing but heartaches and headaches in return. I think I deserve some form of compensation in return for all the years of grief and your assistance in leaving. This is a sincere request, and I need your help desperately. Please show the kind of empathy which you so readily extend to those who occasionally try to get in and assist me to leave.

My well wishes to you through these hearings, and may God give you wisdom, knowledge and sensitivity to make Canada a better place to live for all of you, French, English, blacks, whites, and all other diverse colours and cultures. Together as a nation, you are strong. Set apart and divided you would be like it was in the beginning for this country. It is an ideal time to progress.

Indeed, for me it is an ideal time to leave, and I would like your assistance. I have chosen this forum because most of the other channels that I have used, I have run up against all kinds of barriers which seem to be insurmountable. I need your help and I hope that I can get from this area some sort of tangible result that I could not get elsewhere. Thank you.

Mr. Chairman: Thank you, Mr. Wright. I am not sure what, if anything, we can do for you, sir. We are here, as I am sure you know, to look at priorities for the future of Canada and the province. We will be taking a break sometime soon, and it may be that one or more of the Members of the Legislature here would have a private chat with you and see if we can help you in some way, not officially in the context of what we are doing in the task force, but I am sure that there would be a desire to see if we can help you.

Mr. Wright: Thank you.

Mr. Chairman: I did not ask if there were any questions and I will now. Mr. Wright has gone, but I can ask him to come back. Right, sir, thank you very much.

* (2010)

The next presenter is Mr. Jim Silver. Mr. Leonard Eifenson.

Mr. Leonard Eifenson (Private Citizen): Mr. Chairman, Members of the task force, I am afraid I am guilty as some of the previous speakers in not having composed a brief in its normal sense—

Mr. Chairman: Not at all. It is not a problem, sir. We are happy to receive your oral comments.

Mr. Eifenson: —except for an opening statement which I did prepare so, with your indulgence, I will read it.

Our country is preoccupied with Quebec because every major political Party believes that the road to power in Ottawa is through that province. Pierre Trudeau was able to hold that power without the West, fragmenting the vote in Ontario while carrying a solid vote in Quebec. Brian Mulroney followed the same formula in an alliance with Robert Bourassa. Of course it helped a great deal that Mr. Mulroney was also a Quebecer.

In return for Quebec's support that province over the years has demanded and received increased powers and financial support from every federal Government in the last 40 or 50 years.

We are meeting here because of the well-deserved failure of the Meech Lake Accord, another exercise in

granting Quebec more power at the expense of the central Government, a scheme conceived by the Prime Minister and every provincial Premier at that time. They willingly agreed to Quebec's so-called modest demands. This included powers which would have created a Canada with all the provinces being equal, but one being more equal than all the others combined, an agreement which would have allowed Quebec to pass any law it chose under the distinct society clause, notwithstanding that it was discriminatory among its own citizens or violated the Charter of Rights in any way.

It would have allowed them the right to pass any law *carte blanche* it liked and would retain a constitutional veto for any future constitutional change; in other words, a constitutional strait jacket for the rest of the country.

Mr. Bourassa was to later smugly sit through the ratification process, saying that the concerns of other regions would have to be addressed at a later date, at which time he graciously condescended to listen to them and then presumably veto such things as Senate reform all by himself.

That such a scheme failed is a magnificent tribute to all those who publicly stood up to voice their opposition and in the process suffer the wrath, abuse and insults which were rained down on them by the federal Government, all the provinces without exception—after all they had all signed the accord—almost every media outlet, radio, TV, newspapers, to say nothing of the academics, self-proclaimed experts, Francophiles, et cetera.

The previous strategy of criticizing those dissenters by simply labelling them as racists, bigots, rednecks, anti-French, et cetera, no longer worked as in the past. We were then attacked as ignorant, did not understand Meech Lake; we would break up the country; we perverted in opposition. That such an eventuality was the responsibility of Brian Mulroney for opening this Pandora's box was conveniently overlooked. In his zeal to gain Quebec's signature to the Constitution, he was willing to accept any terms agreed to by the provincial Premiers even to the extent of giving them some of the powers conferred on Quebec, a constitutional veto to each province to further ensure a constitutional strait jacket.

Fortunately, in the interval, provincial Premiers changed in Newfoundland and Manitoba. A task force was set up which you, Mr. Chairman, had the onerous responsibility of chairing. The result was the strongest

mandate possible to have Meech Lake defeated by empowering our Premier, Mr. Filmon, who refused to sign the ratification.

In this he was aided and abetted by Mrs. Carstairs and Mr. Doer, making it a non-partisan approach. Alas, after showing remarkable strength at Ottawa, he capitulated along with Mrs. Carstairs and Mr. Doer, all of whom came home with the same arguments for approval of Meech Lake that they had previously rejected from Mr. Mulroney and company, all of whom were pledged to work for its passage. They had squandered all the good will and support given to them by the people of Manitoba.

It begs the question of how much trust we can give them in any future constitutional hearing as there is no doubt Meech Lake would have been passed had it come to a vote. Fortunately, Elijah Harper played a prominent role in seeing that such a vote did not come to pass before the deadline for ratification had passed.

I would also like to point out that in the ensuing Meech Lake debate that Mr. Mulroney and others have learned well. One of the fundamental criticisms was that they had met in secret to hatch such a plot. This hearing is the result of trying to create an atmosphere in which it can be said, at a later date, that the people of Manitoba had been heard and whatever the task force and the Government of Manitoba assumes it will pass or at least attempt to pass as a result of such a hearing, that democracy had been served. I will come back to that point later.

Before proceeding further, I would like to address this body on a number of myths in no particular order except for the last one. They are as follows:

There are only two founding peoples, namely French and English. The most obvious error was in the omission of the aboriginal people who were here first. Second, western Canada is geographically half the land mass. Except for a few French, they had little to do with the development of one half of this country, unless they want to take credit for the Metis, a people whose ancestry includes the aboriginals. The vast majority who founded this part of Canada were immigrants from the British Isles like the Lord Selkirk settlers and the balance from Europe, eastern Europe in particular. It is a theory which only sows dissent among those of us who would like to be Canadians.

Quebec voted to say "yes" to Canada in the 1980 referendum. The yes vote was predicated purely on economic terms. Business communities mounted an

intensive and well-financed campaign to persuade Quebecers they would be better off in Canada with English Canada footing the bill, another example of let the English pay.

* (2020)

Quebec is a have-not province. In reality, it has tremendous resources. In addition, it has a vital financial sector. The Montreal Stock Exchange is an example of a vibrant mercantile enterprise. It has been the recipient of numerous transfers from other parts of Canada; Air Canada from Winnipeg to Montreal, VIA Rail to Montreal, CF-18 to Montreal, Bombardier gets millions plus lucrative contracts from the federal Government, the Space Agency at St. Hubert. It was not even a question as to whether it was going there or not. It was just simply given to them. Quebec was held down by the English mercantile elite. In reality, they were exploited by their can politicians and the church.

Ottawa is the capital of Canada. It has spilled over into Hull, Quebec, and it is only a matter of time until the capital will be redesignated Ottawa-Hull. Official language, English and French. It is the only province with language police, the only province which outlaws choice of language instruction in schools without meeting restrictive entrance requirements. Commerce signs must be in French, that is outdoors, an active policy of not only discouraging English but repressing it.

It is the only minority in the world which not only has tremendous power in the capital of the country but has separatists in the Cabinet; 60 percent of the Civil Service in Ottawa, by at least one report, is French. I know of no other country in the world where the tail is wagging the dog. Quebec tired of having to go cap in hand to obtain their goals, just concluded the power to control immigration. No other province has it, 5 percent more than present percentage of the population is to be in their immigration and that 5 percent is at the expense of the rest of the country, plus \$5 million from the federal Treasury.

I see the bell has rung so I will just try to conclude some of my remarks.

Bilingualism has cost \$4 billion, not one cent removed from the budget. No price tag on national unity has been the cry. The fact is there is no national unity. The country has never been in more turmoil.

Mr. Bourassa at Meech Lake admitted Quebec did not ask for bilingualism. TV, newspapers, politicians, and others scrupulously ignored this statement. The

fact, French in Quebec did not want bilingualism, and the fact is that bilingualism is a failure, not because English Canada does not want it, but because Quebecers do not want it.

Canadians, there is no such thing as a Canadian. I am reminded of an acquaintance of mine who was being investigated by the RCMP for a sensitive position. He was asked what his nationality was, and he said Canadian. Oh, no, no, what was your father? He was a Canadian. Grandfather—a Canadian. Had to go to the grandfather's father to establish what ancestry he had. We will not have a united Canada until such time as we cease to be hyphenated Canadians. There is no provision—is that it?

Mr. Chairman: Yes, sir.

Mr. Ellensen: Okay.

Mr. Chairman: Thank you. Are there any questions?

We are going to take a short break now, ladies and gentlemen. When we come back, Mr. Peter Donovan will be our first presenter.

Mr. Ellensen: Thank you very much gentlemen and Members of the task force.

Mr. Chairman: Thank you.

The hearing recessed at 8:24 p.m.

After Recess

The hearing resumed at 8:43 p.m.

Mr. Chairman: Ladies and gentlemen, welcome back, including you good people on television, spending a Saturday night with us. I call on Mr. Peter Donovan. Good evening, Mr. Donovan.

Mr. Peter Donovan (Private Citizen): Good evening, sir. Mr. Chairman, distinguished Members, ladies and gentlemen, we are here to hold discussions that will help the task group to formulate recommendations that will help the Government of Manitoba to play its part in the redesign of the Constitution of Canada.

What is a Constitution? It is a set of basic rules of behaviour for the institutions of a country. It must state, among other things, which control or regulatory functions are exercised by which level of Government, and what provisions there are for central Government behaviour to be influenced from lower levels, what provisions are made for overriding of lower level authority by the central authority, and what

flows of information are necessary to make the system work.

Given the requirement that the system be viable, there will be obvious constraints on our freedom to arrange and distribute controls over various functions. Complete autonomy for any Constitution would be the goal of a workable Constitution. I lost my place.

The goal of a workable Constitution would be to provide as much autonomy for a province as is consistent with a coherent Canada. You, the task group, have a complex and confusing task to perform. It has been made more difficult by the short time that you have been given by the Government to complete your job.

I wish to help you by introducing ways of thinking that will simplify your task, but you have made this difficult for me. Let me explain. My cultural heritage reeks with diversity. My father was a Catholic Irish lad; he served as an altar boy when he was small. My mother was an English Baptist; her father played in the Salvation Army band, but true love and deep understanding bridge this cultural chasm and here I am to say things to you.

Among the cultural curiosities that I learned from my mother was the saying that "an Englishman may repeat himself once, an Irishman may speak until he is understood." Her little story did not mention Canadian rules whereby you get only 20 minutes before the committee no matter where you come from.

This to me is what becoming Canadian is all about though. The old country rules were divisive and discriminatory. It is better that we chuck them out and make new rules of our own—good rules that work. So I will see what I can do as a good Canadian without repeating myself in the remainder of my 20 minutes.

Point No. 1 I am making is hidden in that little story. In what follows you may find some of the points more demanding of thought, and some of the ways I say things might offend some people, but bear with me; each paragraph has a purpose. I will try my best to teach a substantial bit of science in 20 minutes. I know that I will only manage a short introduction.

I must start with a note of caution. Some people may have gained the impression that the kind of true love and understanding that I spoke of in my family are all that will be needed to pull Canada together and make it work, but the kind of understanding that I speak of is not the kind that the marriage counsellor would have in mind. It is a more complex and technical kind of understanding.

You must believe me when I say that infinite amounts of love, tolerance and emotional understanding will not provide us with a licence to design any old kind of a Constitution that happens to appeal to us.

There are very severe constraints on our choices. Most choices that most countries in the world have made have not worked. Love, understanding and tolerance are desirable. I will try to indicate some of the reasons for technical limitations on choice.

In other circumstances I might have had to say, at this or some other point in my presentation, something like: "oh, dear me, please excuse me, ladies and gentlemen. I have just experienced an unexpected movement of the bowels. I must leave and clean up."

As it turns out I do not have to say any such thing. Let me explain why. The great Creator of all who designed my constitution knew infinitely more about the design of constitutions than any of the politicians or bureaucrats who are working on the redesign of the Constitution of Canada.

The Creator knew where to assign the control authority for the anal sphincter, for example. For that I can say, thank God, without being either profane or flippant. He knew where the control authority for thousands of other things should reside. I used the anal sphincter example because this is something we all understand.

My contention is that theory relating to the control of the anal sphincter and related matters should be the burning issue in all constitutional discussions today. Until our politicians and bureaucrats have mastered this basic problem and gain a deeper understanding of its relevance our Constitution and our country will continue to be in a sinking mess. There is nothing that has more potential for messiness than a control authority being incorrectly assigned.

Prime Minister Mulroney, who clearly wishes to be the prime ministerial architect of the new Constitution, recently said that he wished to see Canada become the template or model for a viable, multilingual, federal society. I think that we, in our Manitoba task group, can help him in this. In the first place we can help him by giving real meaning to the words he uses like "viable" and "model."

Basically, viable means something with a purpose to survive as an independent entity and has to have the demonstrated capability to do so. If he wishes this for Canada he will have to know what kinds of

characteristics Canada must have to become and remain viable, prosperous, happy and sovereign.

He wishes Canada to become a model, presumably for the world. Unless he has an adequate model to work toward he will have problems, for as some wit once said: If you do not know where you are going it is only by accident that you are going to get there.

We had better define "model" for him. In the technical sense a model is a representation of some system, biological, mechanical, organizational or whatever, that is good enough to show for the purpose at hand how the system works. It can be used for teaching students or as a pattern for workers to build, repair, operate, et cetera, the real thing.

* (2080)

In most cases diagrams, mock-ups or parts of the real system are used as models. Sometimes a small scale working model or even one of the real systems will be used.

I was trained for my trade at the Central Technical School in Toronto. In the 1930s for my trade that school used all of these forms of model including several complete airplanes.

At that school, though, I learned more than just about models. I learned about environments. An airplane like any other system has an environment with which it interacts. You have an environment. I have an environment. Canada has an environment. Inside is the internal environment which I shall call the system, which contains—in the case of Canada—all the parts of Canada, land, lakes, air, trees, buildings, people and so on.

Only the internal environment—the system—can be managed directly by Canada. The external environment must be accepted and dealt with. How Canada manages its internal environment and interacts with its external environment will determine whether or not Canada is a viable system. With a very defective Constitution, no system is viable.

My technical model, the airplane, is not a model of a viable system. Viable systems must have a purpose, and that purpose is independent survival and, of course, the capability to work toward that purposeful end. An airplane continues to exist only at the whim of agencies in its environment, mainly us who maintain it.

Canada, even if it were in a condition to be called viable, would be too big and complex for our purposes

so we will not try to use full-scale models. For our purpose, we need a small understandable model of a viable system to study. That is to say, a system that has the purpose of survival and which has demonstrated survivability.

Well, I read in the newspaper that cockroaches have been around for hundreds of millions of years. So have turtles, I think, but while these are small independent systems and have demonstrated they were designed to survive, most of us are not familiar with them in much detail. Mankind, however, has survived for quite a long time and as some man once said, man is God's noblest creation, so for our model why should we settle for less?

Now just suspend your hypercritical instincts for a few minutes, and I will try to get across the introductory lesson about how a human system can be used as a model to show you what can and cannot be done in designing a country, and why. A working country consists of a large number of things and a large number of processes that must be controlled from some point or other by some authority in the country for the purpose of survival and its viability.

A man is, on a small scale, just the same thing. He is viable. He has geographical boundaries, namely his skin that separates him from his environment. He has a central Government, a brain, and processes and systems that are models for local Government.

In a sane person, the central Government, the brain, accepts the responsibility of stewardship for the whole system. A good many of the parts and their functions are, or seem to be, fully controlled by central Government: speech, thinking, manipulation, particularly of the environment, imports, that is eating, and, to and behold, bulk exports. I do not think there is much doubt now where control of the anal sphincter should reside.

Examining the various parts and functions is most revealing, for after listing those things that are obviously centrally controlled, we see that many major systems and processes go on pretty much by themselves with little or no interference from central Government. Kidneys do a lot of useful things pretty much by themselves. They are nourished from the environment by central Government. That is an example of stewardship. They co-operate with the other systems in ways analogous to trade, communications and negotiations. Liver, spleen, lungs, et cetera, have, in a healthy body, a similar

harmonious, largely autonomous function in the greater viable whole.

You might wish to ask me why I included lungs. You say, they can be controlled by central Government, like stop breathing, start breathing, et cetera. Well, a wise central Government will retain the authority to override the largely autonomous status of parts such as the respiratory system in some special situations and in certain emergencies. Examples would be, when swimming, when blowing up balloons or escaping through a smoke-filled room.

If the central Government were to extend this control unduly, strong signals would come from parts demanding that the oxygen supply be resumed. You can imagine entirely parallel situations between central Government and provinces.

The concept of stewardship is very important in viable systems. When a brain fails to act responsibly or when a central Government fails to honour its trust, parts of the system deteriorate and fail and total collapse is possible. Then the environment moves in and gobbles up the system. In the case of man it is bacteria and worms that move in. In the case of countries it is the neighbouring states that are the elements of the environment that move in and do the gobbling.

Stewardship in a healthy country therefore involves assigning and exercising those controls necessary to ensure harmony internally in the long run, and externally by maintaining the ability to resist intrusions in which the environment attempts to gain control over internal processes.

You understand what this means as regards various kinds of intrusive tendencies of foreign states. In the human case, sovereignty of the system in the biological series is maintained by a vigilant central control, the brain, in trying to see that cold is kept out as well as bacteria, viruses, poisons and other substances or objects that would upset the internal politics of the body.

Now the chief advantage of this human model lies, in the first place, in recognizing that the great Creator of constitutions for humans knew how to assign authority for controls at correct levels in the system, what degrees of autonomy to permit at each sub-level, and where and how to provide overrides of local authority by central Government; all in the interest of survival of the system. The internal communication control override system is fascinating, as any neurosurgeon will tell you.

The great Creator, however, did not design constitutions for countries. He left that for man to grapple with. We have not been doing too well to date because, unlike the honest craftsman who admits that he has to learn his trade, the politician believes that by some miracle which occurs every election day, a new crop of experts is created in the blink of an eye, and within an unbelievably short time, 100 days of decision, et cetera, they are having visions and redesigning the country.

Now, I am not a top rank expert in the matters I have touched on today. There are, as far as I know, only a handful in the country, and a dozen or more not yet recognized as top rank experts. It takes only about two or three months without tutorial aid to learn to think in terms of viability of systems. With tutorial aid, which is readily available, groups of politicians or bureaucrats could become modestly conversant in the field in less time than they take for an annual vacation.

It is my opinion that any person who offers a serious opinion or who makes a recommendation in an official capacity on constitutional design and distribution of power without at least this basic understanding is being recklessly irresponsible. Any bureaucrat who becomes involved in drafting documents for use in development of legislation who has not achieved at least second-rank understanding would be committing an offence which would result in suspension or disbarment from any reputable regulated profession.

Let us return for a moment and tie up loose ends on our not yet fully dealt with issue of the anal sphincter. Every controlling function in the nation can be assessed on the basis of consequences vis-a-vis the internal and external welfare of the system, full or partial control resting here or there with the option of override here or there.

The environment can never be ignored. Systems, in order to survive, must achieve a high degree of harmony with the environment. Should the anal sphincter be fully autonomous or centrally controlled?

* (2100)

Now each of us is aware of the social, sanitary and other goals that are achieved by denying autonomy and by central Government, as it were, retaining full control. It is only by central control that harmony with the environment, good external relations, et cetera, can be maintained. Loss of central control is a medical

condition called incontinence. National incontinence is to be avoided.

As I have said, a person at about the third level of competence in constitutional design with political consultation, of course, can sift the viable from the non-viable presentations that this or any other such task group is likely to hear.

It is my assertion that the systematic knowledge is available to enable any such task group to make sound selections and form recommendations from the thousands of opinions and wish lists that confront them. Within the framework of a viable system concept, there is vast scope for negotiation of details, but only, it is stressed, within the constraints of the viable system model. I have not, of course, in these few minutes provided such skills. It was not my intention to lead the Members to think that this would be some kind of free lunch. There are no free lunches.

Some task groups give the impression that they are looking for free lunches, and when none are forthcoming, they serve up as recommendations the leftovers from last night's supper. This is not reasonable behaviour. The Chairmanship of this group gives me confidence that this will not happen here.

The task group chaired by the present Chairman produced a thoughtful and effective report which served the Government of Manitoba well in a demanding situation. Preparation of that report was a strongly political task in that the outcome was expected to reflect the political will of the people for political purposes. This task group has a more substantial problem, because it is not possible to embody certain characteristics in a viable Canada even if a very large number of presentations suggest or even demand that it be so.

It is possible to design a viable Canada containing 10 or more provinces including the territories. It is possible to design several viable but less desirable truncated versions of Canada. Canada is in a very critical state now both internally and in its interactions with its environment. The introduction of features seriously at odds with the viability principle will not only not buy much time, it will seal the fate of Canada and provide a legacy of chaos for our children.

In short, it is not possible to design a viable system in which the boundary between the environment and the system is ambiguous. It would be like a man with only one skin. It is not possible to design a viable system in which control by central authority

necessary to the stewardship role is not clearly and unambiguously provided for. There can be only one head on a normal man's body. The 10-headed version of the Siamese twin phenomenon is not viable. It is a side show, curiously, it is not a condition that we should permit. We are at a turning point. There is some time to learn and provide the nation with a pattern for viability. Manitoba has led the way before. I think we can do it again.

In closing, on a lighter note, it has been said that a camel is a horse designed by committee. Who can think of a suitably descriptive name for a Constitution designed by 13 committees?

Thank you.

Mr. Chairman: Thank you, Mr. Donovan. Are there any questions? Thank you again, sir.

Mr. Donovan: Thank you.

Mr. Chairman: Our next presenter is Ms. Lena Siemens.

Ms. Lena Siemens (Private Citizen): Good evening, Mr. Chairperson—

Mr. Chairman: Good evening.

Ms. Siemens: —and Members of the Manitoba Constitutional Task Force. I am not a conditioned public speaker, so to speak. I have not a prepared written speech out here. I am a Canadian citizen, Canadian parents, Canadian roots. My grandparents were Canadian, and I am very interested in the future of Canada.

Perhaps I would take this opportunity to explain my attire as I have had a few comments on it. I am dressed in such a manner for many reasons. One of them is I do feel like a stranger in a strange land. This is my home, my country and yet I do feel like a stranger. I wish not to feel that way. I wish to be able to communicate with the people that are making me feel in such a way and these people are yourselves, representing the Government of Canada.

As I have travelled a great deal, I have been to many other countries, over a dozen other countries, and that is several years ago. The opinion of Canada at that time was quite high. Canada was known to be a very good country, and I would like to believe that it is still a good country. It is distressing me though that the politicians are making me feel otherwise, and also making others that I have spoken with, and that I know, feel otherwise, that they are losing interest in their country. They are losing interest in talking to their

politicians and the people in power, in positions of power.

Getting back to my family, I am a member of a very large family. I did ask to remain anonymous when I came in here because of my family. I wish them not to be distressed if I should cause them any distress as in the past. I have received some publicity over other matters, and certain members were somewhat offended by this.

I feel that I must express myself regarding my family. They are good people I believe and, as I have said, Canadian citizens. They have worked very hard as far as I am saying for my parents and my grandparents. My grandparents were victims of circumstance on both sides, my mother's father as well as my father's father. My father's father was exiled to the point where he even lost part of the family name, whereas my identity crisis—part of it—was that I did not really know what my family name was until I was in my teenage years, plus also, I did have a first name that is quite a well-known name. It is known in many countries all over the world.

As a matter of fact, I have not received my public formal disclaimer to go ahead and use this first name of mine, but it is my name for six and a half years of my life. It is the name of a famous cola drink. One of the reasons I have got that name is because, as a child, there were many arguments in the family between my parents. A lot of these arguments were over politics.

The thing was that the Canadian Government was the subject of my parents as to why the Canadian Government helps out foreigners more so than their own naturalized Canadians, as I believe myself to be and my family to be. As I say, I investigated quite thoroughly my roots, and I know that we are true Canadians. I take this opportunity to thank our Native Canadians, our Native aboriginal Canadians, for coming forth and doing what they did do in this last year. It has given me the opportunity to take my turn and my time to stand up and say, well, as a female, a minority, it is my turn. As a victim of circumstances, it is my turn to be heard.

The black and blue you see etched on my head, that is to symbolize the battery of women, as I am one of those women and also my mother was a victim of that. As I said, this was brought about because of politics. It was very distressing as a child. I did a great deal of praying then, as I do now, for peace on earth.

I would like to continue with saying that my background is not a formal education, but I do have a great deal of gifts I would say, in a sense, from God.

I would like to share what I know, and yet I feel that because of circumstances I am unable to express myself as freely as I would like to. That is another thing, as far as Canada being a free country, you know, the patriotism of Canada, it is not there. Canadians are losing interest in their country, they are selling out to the Americans.

* (2110)

I have a story here that I am sitting on, that I know the Americans would soak it up like a sponge. I mean, it is very unique to say the least. There are many other things that are about it that are not very nice to speak of, and I do not wish to speak of them at this time, because I am here to try and communicate with my Government rather than put them down for the things that they have been responsible for in the past. I would like to see those things corrected, the mistakes that have been made. I would like to see them made right. The wrongs that have been done should be corrected, as with our Native people, our Native aboriginal people, our pioneering Canadians, as my parents were pioneers. They were farmers, they had many acres of land years ago, they broke that land by hand. Their blood and their sweat and their tears went into that land. Many acres of that land were exiled from them many years ago. There is nothing that anyone can do because of the circumstances involved.

It is heinous to think that this type of crime has been committed from one generation to the next in this family that I represent. As I say, I am their spokesperson, I am here to speak out and be heard. I wish them to know that I do love them all and I care about them. They were victims as well. Every one of them were victims in some way or other, each one of my family were victims.

As I say, it is the Government's responsibility to look after their people, it is the Government's responsibility to do as God has put the Government there for. As I have been reading the Bible a great deal, I have read it before at times, but I have absorbed much more this time, I have absorbed the fact that the Government is there for a purpose, to serve the people.

It is the same with the enforcement agencies, our RCMP. You know, it is a proud thing for Canada to have the RCMP. When you hear stories that you wish not to repeat, it is very bad because it gives you a bad feeling about it. You do not wish to boast about your

country. It is not that I feel I should boast about anything, but I do feel that I should speak out and say what I know, because I have had feelings of things that have occurred in the past and in the future.

It may have taken a period of time before I did come out and speak about it, but the truth is what I was thinking, years before it happened, it happened. Right now our environment is very important. If we do not look after our environment—I do not care whether a person is rich or poor or from whatever background, as I have met many people in my time. I have travelled, as I said, a great deal. I have met people from all walks of life, good people, bad people, people that have been misled. It is very sad to think that some good people have turned bad because of the way that the situation has been dealt to them. -(interjection)-Thank you.

Furthermore, I would like to say a few other things, as I said, concerning the environment, since I have been exposed to the harsh, harmful effects of chemicals as the harmful and harsh effects of certain individuals. As far as the environment goes, if we do not do something now as far as restoring our forests, I can say at this time that the summer that will have to come will be a very hot summer, and there will be things that—like I say, once it has happened it will be too late to speak out.

Perhaps there will be a further opportunity to speak with these Members and people of the Government to let them know that there are other things as well that I do not wish to talk too openly about at this point in time. Thank you.

Mr. Chairman: Thank you very much, Ms. Siemens. Any questions? Thank you again.

Ms. Siemens: You are welcome.

Mr. Chairman: The next presenter is Ms. Olga Enns. Hello, Ms. Enns.

Ms. Olga Enns (Private Citizen): Mr. Chairman, ladies and gentlemen. As a concerned Canadian citizen, I would like to express my deepest concerns here today on Canada's future and its people. I see this as a God-given unique opportunity to participate here in these important hearings.

My views on some of the main priorities, which should be in the best interests of the province, are as follows—and if heeded, I believe could bring about harmony for the unity of Canada and its people.

Concerning Canadian identity, I recognize the freedoms each one of us has concerning language

rights, form of worship, et cetera, but we have no right to exercise freedoms that go against our laws. For example, Satanists and witches should not have the freedom to exercise their so-called religion. We need a moral law as our country's laws are based on Christian principles as in the Charter of Rights and Freedoms.

The reason we have so many problems is because nobody wants to follow the supreme Biblical laws of the Bible that our Charter was founded upon in the first place. To make my point here I will stress again what I stressed in my brief in last year's April hearings here in Winnipeg, Manitoba—the Meech Lake hearings, by the way.

As some of us know, who have studied the Charter of Rights and Freedoms, that this Charter was brought in and signed by the former Prime Minister, Pierre Elliott Trudeau. This Charter or document, a legacy of our forefathers, reads as follows: "Canadian Charter of Rights and Freedoms. Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law."

I see this as the last five words meaning man's so-called laws. May I ask, how can we acknowledge God's supremacy according to man-made laws? The word "freedom" is also misused or twisted by the feminist or other women's rights groups. This word "freedom" does not give me or any other woman the right to do as we please, but the liberty to do as we ought.

Equality of Rights. We need to stress moral values and moral responsibilities, more so than the so-called freedoms we now have. We can see the tragic abortion issue consisting of thousands of innocent lives destroyed yearly, the raging AIDS epidemic due to immoral lifestyles and the violence in our homes and nation as a result of this.

We have become so blinded by our own self-centred freedoms and rights that in the process we have forgotten God, our Creator, who created us in his own image—Genesis, Chapter 2.

Speaking on abortion, Bill C-43, if passed or ratified, would have put back this issue into the Criminal Code, where it was in the first place, before this criminal act of killing innocent human life was legalized.

Quoting Dr. J. R. Nolan, Free Press, July 5, Winnipeg, Manitoba: When the criminal act of abortion was legalized some 20 years ago, doctors could have said that they would have nothing to do

with this procedure. This stance would have been in keeping with the medical profession's ethical opposition to abortion, as expressed in the Hippocratic Oath, the Declaration of Geneva, 1948.

Some members of the medical profession chose to ignore this ethical tradition and started to perform abortions. This practice became widespread after the Canadian Medical Association revised its code of ethics, carefully omitting any reference to abortion, a truly remarkable example of ethical flexibility.

* (2120)

I as a mother and grandmother am appalled that our doctors, who have practised medicine for years and know all the facts, will not take a stand for human, innocent, unborn babies. I, by the way, have eight grandchildren, and I am very proud of them. This is why I am here.

If they feel guilty and harassed it is their own fault and have only themselves to blame.

Another one of my concerns I have is the Gulf War in which our country of Canada is involved; at the same time peace activists are crying for peace. Quoting peace activist, Johathan Bancho, Winnipeg Free Press, January 22: The only way to get peace in this world is to stop the people making war. How do we achieve this?

I believe in a sense we were already at war when the feminist movement began and our country started taking part in destroying thousands of innocent human lives through its horrendous abortion procedures.

As far as war is concerned, God tells us clearly in Ecclesiastes, Chapter 3, that there will be a time for war and a time for peace. For the ones interested, a prophecy predicted by God is found in Ezekiel, Chapters 38 and 39.

War is not the fault of God, but the result of man's own wickedness and rebellion against a just and righteous God.

In closing, Romans 8:7 tells us man's nature is so evil and depraved that mankind needs to be regenerated, meaning a change of heart has to come about in each one of us human beings to bring about this peace and unity our country is striving for today.

Thank you for your time.

Mr. Chairman: Thank you, Ms. Enns. Any questions? Thank you, again.

Mr. Don Oliver. Good evening, Mr. Oliver. We have your written presentation, thank you.

Mr. Don Oliver (Private Citizen): In the wake of the recent and widely published Allaire report from the Province of Quebec, I have heard nothing from the remaining provinces that in any way resembles constructive communication.

I personally look upon the Allaire report as sending out a strong message to the federal Government that, as John Diefenbaker said in 1961 on television, it is time that Canada got back to her constitution and hand back to the provinces their sole right of direct taxation.

The division of powers between the provinces and the federal Government has eroded to the point of anarchy. This has come about thanks to provincial Legislatures and the apathy of Canadian people, the latter having developed a "don't worry, be happy" attitude to it all. The most noticeable is in the field of education, which is clearly defined under Section 93 of the British North America Act. The federal Government has intruded into this area which falls under the exclusive jurisdiction of the provinces.

Another noticeable area, but which is hushed up, is in the field of direct taxation, income tax. The provinces, on the other hand, have invaded the federal power of indirect taxation, a retail sales tax. There are concurrent powers of agriculture and immigration as stated under Section 95 of the BNA Act. It is no wonder that the province of Quebec is frustrated and is opting for separation.

The onslaught of the federal Government into provincial jurisdiction is not acceptable and contrary to a decision handed down by the Supreme Court of Canada in 1949, the preamble of which states in part: An Act respecting the delegation of jurisdiction from the Parliament of Canada to the Legislature of Nova Scotia and vice versa, if enacted would not be constitutionally valid since it contemplated delegation by Parliament of powers exclusively vested in it by Section 91 of the British North America Act, to the Legislature of Nova Scotia and delegation by that Legislature of powers exclusively vested in provincial Legislatures under Section 92 of the Act to Parliament.

The provinces now all depend on federal grants to run their Governments and to pay for programs within provincial jurisdiction. The provincial Legislatures are becoming more and more dependent upon the federal Government for the funding of objects which are defined in the BNA Act as exclusively belonging to the provinces.

Canada is dangerously close to being converted into a unitary state contrary to the vision of the framers of the BNA Act, as will be found on page 45 of the same decision by the Supreme Court of Canada and which states: The framers of the BNA Act thought wisely that Canada should not be a unitary state, but it would be converted into one, as Mr. Justice Hall says, if all the provinces empowered Parliament to make laws with respect to all matters exclusively assigned to them and so on.

The Parliament of Canada and each provincial Legislature is a sovereign body within a sphere possessed of exclusive jurisdiction to legislate with regard to the subject matters assigned to it under Section 91 or Section 92, as the case may be. Neither is capable therefore of delegating to the other the powers with which it has been vested nor of receiving from the other the powers with which the other has been vested. On page 34: Neither legislative bodies, federal or provincial, possess any portion of the powers respectively vested in the other, and they cannot receive it by delegation. That connection, the word "exclusively" used both in Section 91 and in Section 92, indicates a subtle line of demarcation and it does not belong to either Parliament or the Legislatures to confer powers upon the other. The intrusion of the federal Government into provincial fields of jurisdiction must end.

Regarding the Senate, there are those in Canada who openly advocate the abolition of the Senate. Without the checks and balances of the Senate or a viable alternative to the Senate can only lead to even greater problems than we as Canadians are facing today. To place total reliance upon the Parliament of Canada and with the governing Party having a majority can result only in a totalitarian system of Government—dictatorship. It is interesting to note that John Bright, a British parliamentarian, made the following comment which may be found in British Hansard at page 1181 for February 28, 1867: Nobody pretends that the people of Canada prefer a nominated council to an elective council. I regret very much that they have not adopted another system with regard to their council or Senate because I am satisfied, I have not a particle of doubt with regard to it, that we run a great danger of making this Act work ill almost from the beginning.

I propose, therefore, that the Senate be abolished in its entirety for two reasons: The Senate is an extravagant waste of taxpayers' money that could be used elsewhere, and to eliminate patronage

appointments such as was witnessed most recently in expending the Senate with the sole purpose in mind of ramming through legislation repugnant to the common law of this country. In place, there should be a vehicle of recall. The electorate of this province, as in other provinces, has a right to elect a representative either federally or provincially, to speak and act in their best interests. Should the elected representative be derelict in his or her responsibilities to their constituents, a referendum may be held in the constituency to remove said representatives followed by a by-election.

Further, any elected representative from any constituency, who decides without consultation or approval of his or her constituents to move from one elected Party to another, may also be subject to the loss of their seat. Effectively, this now puts the power of Government back into the hands of the Canadian people where it rightfully belongs.

Canada is in a state of constitutional anarchy and has been for more years than I care to remember. It is my sincerest desire that the material next following will give you a better understanding of why people like myself are totally bewildered and confused by the constitutional mess of this country.

* (2130)

The Gage Canadian dictionary defines federation as a union with a number of separate provinces, states, etcetera. Bouvier in his law dictionary defines federal Government as a union or confederation of sovereign states created either by treaty or by the mutual adoption of a federal Constitution.

A. P. Newton in his book entitled Federal and Unified Constitutions at page 5 says, a federal state is a perpetual union of several sovereign states based first upon a treaty between those states or upon some historical status common to them all and, secondly, upon a federal Constitution accepted by their citizens.

Two points stand out prominently. The first is that the states which form the union must be sovereign, free and independent before they federate. The second, that the federal Constitution which forms the basis of the union, must be accepted by the citizens of the federating states.

In Canada, it is widely accepted that the British North America Act, 1867, is in every respect, the Canadian Constitution. But is it really a Constitution or merely a statute? To answer this question, I would refer you to the evidence given before the special committee on the British North America Act in 1935.

The following are some of the statements quoted of recognized Canadian constitutional authorities before the special committee: Dr. W. Kennedy, Professor of Law in the University of Toronto, at page 69 of the report states, I think we have got to get away from the idea that the British North America Act is a contract or treaty. I do not want to go into that, but it is true, neither in history nor in law, the British North America Act is a statute and always has been interpreted as a statute.

Dr. Beauchene, Clerk of the House of Commons, who, at page 125, states: It is quite true that if we apply to the British North America Act the principles followed in the interpretation of statutes, it is not a compact between provinces; it is an Act of Parliament which does not even embody all the resolutions passed in Canada and in London prior to its passage in British Parliament where certain clauses that had not been recommended by the Canadian provinces were added.

As further evidence that the British North America Act was not a Constitution and that Canada did not become a federal union, I refer to the definition of the term "dominion" which is to be found in Section 18, paragraph 3 of the Interpretation Act of 1869. It reads as follows: The expression "colony" shall mean any of Her Majesty's dominions, exclusive of the British Islands and of British India; and where parts of such dominions are under both a central Legislature and local Legislatures, all parts under the central Legislature shall, for the purpose of this definition be deemed to be one colony.

Since the condition of sovereignty and independence must be enjoyed by the provinces before they federate, it was necessary that the British Government relinquish its authority over them. This was done through the enactment of the Statute of Westminster on December 11, 1931. By Section 7, paragraph 2 of this statute, the provinces of Canada were made sovereign, free and independent in order that they might consummate the federal union which they wished to create in 1867 but were not permitted to do so.

Since the enactment of the Statute of Westminster, December 11, 1931, as an individual citizen of this country I have had the right to be consulted on the matter of a Constitution. I have had the right, along with my fellow citizens, to ratify or to refuse to ratify a Constitution, but I have not been consulted in any way whatsoever till now. I assert, therefore, that until I, along with the majority of Canadians, ratify a

Constitution in Canada there can be no Constitution, and I challenge successful contradiction of that proposition.

Again, from the report of the special committee on the British North America Act in 1935, Dr. Beauchene, on page 126 of the report, is credited with saying: The Statute of Westminster has altered our status. The time has come, in my humble opinion, when the British North America Act, except as to minority rights, should be transformed and a new Constitution more in conformity with present conditions should be adopted. Amendments here and there would be mere patchwork which could not last. The new Constitution must leave nobody with a grievance. A spirit of conciliation should predominate. For these reasons the task must be entrusted to an independent body in which all the elements of this country will be represented. Provincial conferences attended by a few Ministers meeting behind closed doors would hardly satisfy public opinion. The debate should be public.

Again, on page 131: There have been many disputes about provincial rights since 1867, and it seems certain that when a new Constitution is drawn up, the distribution of federal and provincial powers will have to be modified, end of quote.

Bearing in mind that the provinces or states wishing to federate must first be sovereign, free and independent, bring me to the province of Manitoba, which is quite unique to say the least.

Mr. Chairman: Mr. Oliver, I am sorry to interrupt you, sir. You have only a couple of minutes left. I wondered if you wanted to cut to your last page where you have eight recommendations for us. It is up to you, of course.

Mr. Oliver: I will try.

Mr. Chairman: Whatever you wish.

Mr. Oliver: I will give it a shot. The creation of this province was wholly premature. Its inhabitants numbered about 12,200, of whom only 1,600 were white. They had no experience with democratic institutions and a vast, barren stretch of land separated them from the nearest settlements in Ontario.

The question arises as to why then was this area not left in the status of a territory—the reason was the Red River Rebellion of 1869-1870. The Government of Sir John A. MacDonald desired to show its conciliatory intentions towards the inhabitants of the Red River territory and, therefore, while Riel was still

in arms at Fort Garry, the Manitoba Bill was introduced into Parliament. It was certain that a measure designed for this purpose, and designed in haste, would prove deficient as an instrument of Government.

It is said that the truth is stranger than fiction and it goes beyond belief that Manitoba, not having met the criteria enabling it to enter into federation, is in my opinion a non-entity. The Parliament of Canada could not, in 1870, simply through legislation, a mere stroke of the pen, create the Province of Manitoba and make it a partner in federation with the other provinces.

It is my humble opinion that Manitoba, every last square inch of it, still belongs to the aboriginal people. I do not think I have time to finish the last page now.

Mr. Chairman: I am sorry. If requested, we can and will happily read it.

Mr. Oliver: That is fine.

Mr. Chairman: Thank you very much, sir. I am interested in your research which takes you back into the '30s, some very interesting quotes from some documents of the '30s and presumably from some testimony before committees, and so on. May I ask you, did you get this from a particular source, or is it a matter of digging on your part?

Mr. Oliver: I studied constitutional law as a hobby for 20 years, and I have always been fascinated by how Canada could possibly enter into a federation when it was simply a colony. It is my earnest opinion that Canada is not even federated.

The Statute of Westminster, 1931, changed all that, but because of the depression, the Second World War, and incidentally this was brought up in the House of Commons in the 1930s and 1940s regarding the Statute of Westminster, but it has all been brushed under the carpet. The Statute of Westminster gave all the total autonomy to each and every province, but we have not acted upon that. We are still, in my opinion, 10 separate little provinces or 10 little countries. We have yet to federate. It is all in law.

Mr. Chairman: Any other questions? Thank you very much, sir. Mr. Peter Silva? Mr. Hamish Carr? Good evening.

Mr. Hamish Carr (Private Citizen): Good evening. I do not intend to start off by attacking the federal Government or the provincial Government, although in some ways they make wonderful targets. I would, however, like to start by asking the fundamental

question here, which is: If we are talking about a Constitution, what is a constitution? It is not a magic bullet; it is not a cure for all our ailments, for all our illnesses; it is not a means of achieving national unity; it is not a perfect solution to anything. All it is is a document, sometimes not even that, but a description of how the people in a particular geographical area are going to conduct their business.

* (2140)

Now, if you wish to achieve national unity or if you wish to solve your problems, then the Constitution is one of your tools. It is, as it were, the procedural rules for achieving that end. In itself, however, it is not a cure.

Now, in the geographic area which we call a country, if any of the groups are not there from their own choice, obviously there will be resentment, there will be tension. As with any tension, it will stretch the fabric of the country until one of two things happen. Either you have an elastic fabric, in which case at some point the tension is released and the country snaps back into shape or you have an inelastic fabric, in which case the whole damn thing rips apart. I think we have reached the point in this country where one of those two things is going to happen, whether we like it or not. All we can do is attempt to control the process.

Now, if we wish to have the fabric spring back into place, what we need is an elastic and even fabric, which is woven from one thread. This does not mean in any way at all that it should be of one ethnic origin, should be of one language, should be of one religion or should be of one colour. What it means is that there must be something held in common by the inhabitants of the country and the only people who can decide what they hold in common are the people of the country themselves. With all due respect for this task force and the others like it across the country, all a task force can do is report to the Government what people are saying to them. It cannot really determine what the people hold in common.

The first step we have to take is to find out what we hold in common. If we do not manage to find out what we have in common we cannot get anywhere. The first thing we have to hold in common is the desire to be one country, to be one nation. If we want to be seven nations or 10 or 15 then ultimately whether it be next year or 20 years down the line somebody is going to leave.

You can see that happening in Lithuania right now. They do not really want to be in that particular federation, nor have they ever wanted to be there. Whether Mikhail Gorbachev likes this or not, sooner or later the Baltic republics are either going to leave or going to be destroyed.

Unless you have in common this desire to form one country, not the most skillful negotiation or the best draftsmanship in the world is going to tie you together. All it is going to do is increase the tension and increase the repercussions when things come apart.

Now it is my personal belief that the people must be given the choice, not the Governments. The people must be given the choice to decide whether they want to be one country. Whether the medium for doing that is through an election or through a referendum or just through people talking in the streets and coming to a consensus is not my place to decide.

I personally would like to see the people of the country reach a consensus, maybe vote on a referendum. I would like to see some feeling throughout the country for what is going to happen.

In addition to the fundamental problem which relates to all Constitutions and all countries, there are a couple of particular problems in this country. The first one is that the goal since before Confederation has never been to build one country. All that the goal has been was to prevent people from breaking off. It has never been to express what Canada is, what makes Canadians different from the rest of the world or what makes them similar to the rest of the world.

You can see that in all the jokes about Canadian identity, Canadian identity—what Canadian identity? Canadian identity is defined as not being American. We do not have an identity.

As I said it all goes back to the common problem which is that we do not have a goal, we do not have a dream, we do not have anything in common except that in 1867, for reasons that were convenient to the Imperial Government, we were sort of tacked together.

The second flaw in all this is the process in that, as was remarked by the last speaker, it tends to get decided by meetings of Ministers in back rooms. One of Quebec's complaints right now dates back to Pierre Trudeau sitting down in the kitchen with the Premiers of nine provinces whilst Bourassa—or was it Levesque, I can never remember—was sleeping off

the journey, and they hammered out a deal and left Quebec out.

That was a perfect example of how the Constitution of this country has been changed. Some of the Ministers get together and say, okay, we are going to do this. Then they take it to the people and say, take it or leave it. What we have seen with the last amendment, Meech Lake Accord, is that for once the people said leave it, or some of the people.

Now the other way that Governments deal with problems in this country is they appoint a commission, or a task force, or whatever, and whether it is cynical or not, by the time the report of the commission comes back to the Government, the initial crisis has usually died down so that the Government can put whatever spin it likes on the report and change the country in the way it wants, not in the way that the people presenting before the commission want it.

I do not mean to say in any way that the commissions are useless or that they are operating in bad faith. It is just that it is yet another example of how the control is kept firmly in the hands of the Government and not the people. A commission by its very nature requires a question to be discussed in one place, this room, and at one time or sets of times as set by the commission. What people are talking about out on the street often has little relevance inside the four walls of this room. Any group which wishes to get something achieved merely has to send in 40 people, all to present the same position, at which point the commission, if it is honest, has to go back and say the majority of presenters said this. That does not mean to say that it is representative.

Now, once the report gets back to the Government, as I have commented, the Government puts its own spin on it. We can see this happening right now in Ottawa where the Civil Service, maybe on its own initiative, maybe on the recommendation of Mr. Mulroney, has been studying what powers could be given away to the provinces in order to keep Canada together. I do not recall that being raised in Parliament until after the fact. I do not recall it being mentioned to the people until after the fact, after the civil servants had already decided, this is what we can do.

Obviously, their jobs are at stake. One thing we can do is get rid of the entire Civil Service. This will not lead to a useful result, but they did not list that as a possibility.

° (2150)

For all of these reasons, I have trouble with the way the Constitution of this country is dealt with. I think that it is far too important a concept and far too important a document to be left in the hands of the politicians. I have some ambitions to be a politician eventually myself, so maybe I should not be saying this.

To get back to the root of it, before any more changes are made we need to ask and to answer some fundamental questions. Do we have enough common ground to form a country? Do we have enough common ground to form a nation? If we do have enough common ground, do we want to form a country or a nation together? What vision do we have of this country? Where do we want it to go? Do we want it to become a country along the model of Nicaragua? Do we want it to become a country along the model of Kampuchea? Do we want it to become a country along the model of the United States or England or wherever? Only after that, only after we have decided if we want a country and what kind of country we want, can we turn to the question of what model of Government we want. How do we wish to balance national and regional interests?

Now, the problems that we have in Canada all appear to have one common root at this point. The system is set up so that many groups feel, rightly or wrongly, that they have insufficient say in matters. This is the problem that the Quebec nationalists have, it is the problem that the aboriginal peoples have, it is the problem that westerners see when they call for a Triple-E Senate. It all goes back to the fundamental feeling that they do not have sufficient say in what is going on, enough control of their own destiny.

If we decide that we all wish to be members of the same country, then we must arrange our future in such a way that none of these groups can be oppressed or repressed by the other groups. If this means doing away with the Senate or doing away with the House of Commons or doing away with Parliament altogether, then we must do so. After all, the tradition of Parliament is only several hundred years old. The tradition of democracy is a lot older.

If any group feels strongly enough that they must leave us or perhaps that we must leave them, then we must bend all our efforts to achieving that end in such a way that both the people leaving and the people staying can feel proud about it and can feel satisfied and can feel that justice has been done. If this means that Quebec wants to split or that the Yukon wants to split, then I am sorry but I will help them split. I will help them go in whatever way I can.

To summarize, I would say what we need is a vision of what Canada is and what Canada stands for. Once we have that, we can get down to the nuts and bolts, such as what kind of Senate do we want and who gets to rule on agriculture? Thank you.

Mr. Chairman: Thank you very much, Mr. Carr. Are there any questions? Thanks again. Our last presenter of the evening, I suspect. We do recall those who have not appeared once, but failing that is Mr. Maurice Piché (phonetic). Do I have your name pronounced correctly, sir?

Mr. Maurice Piché (Private Citizen): It is Maurice Piché.

Mr. Chairman: Piché. Sorry.

Mr. Piché: Good evening, Mr. Chairman and fellow cast members.

Mr. Chairman: Good evening to you.

Mr. Piché: That last speaker, Mr. Carr, he is a pretty hard act to follow. I will certainly vote for him in the future.

Mr. Chairman: Without knowing what political Party, sir.

Mr. Piché: Without.

Mr. Chairman: That is a very good endorsement indeed.

Mr. Piché: First I would like to express my appreciation for the opportunity to sit in this chair this evening and present my views on Canada, the Constitution of Canada, and the Manitoba Task Force on the Constitution.

I am not a constitutional expert. I have not studied it like our last speaker obviously did, but I shall give you a few basic views and opinions from myself. I will tell you something about myself as a citizen of Canada, then I will go with the flow and complain a bit and offer a solution or show the path that will make Canada a better country.

I am a middle-aged aboriginal and disabled person. Take the initials of that description of myself, and it spells mad which is what I am getting close to and why I am sitting here tonight.

The number of times I voted in my life you could count on your 10 fingers. I have always trusted the will of the people. I have always trusted and admired the politicians. I always see their faces on television and read about them in the newspapers. I take them at face value. They seem to be an unselfish lot, concerned about people and everything else under

the sun. Occasionally, I see one passing by on the street. I have always assumed they could be trusted to do the right thing. However, since the events of last summer, my trust and admiration has been broken.

The events surrounding the Meech Lake Accord and the armies surrounding the Mohawk people have changed my opinion. There is something drastically wrong with the way our country is being run. There is something wrong with our political system. We send elected politicians off to Ottawa with their flight bags, and they soon forget about the will of the people that voted them in and sent them there. Instead, they follow the Party's line and ignore the folks back home.

On the cynical side, if the politician is brought to task for his or her behaviour, the answer will be classic. It will imply that your solution to the issue at hand is too simplistic and that there are a lot more complexities involved, and we will certainly take the complainants' suggestions under consideration and let you know in the future.

What does this behaviour mean? We all know that the winds of cynicism and mistrust have blown across Canada and that wind is coming from the East. The sound of it is telling us that our democratic system is not working like we think it should be. Obviously, our country is going through some growing pains. Responsibility for adjusting to this change lies with you, the politician, who was elected by the people to take care of such matters.

Before I go any further, I must point out my suspicion about this Constitutional Task Force in view of the similar activities before the Meech Lake Accord last summer. However, I am more confident in our Premier than I am in the Prime Minister.

Now before Mr. Harper killed the Meech Lake Accord, I watched a man I admire on television by the name of Ovide Mercredi ask the Meech Lake Task Force if they were really sincere and listened to the people. I also watched a professor named Schwartz from the University of Manitoba make his presentation, and it was easy to see by some of the questions that the task force asked him that he was not being listened to.

I want to speak to all of you, not as Members of the task force or not even as politicians, but as individuals with values and principles. I would like to ask you as a citizen of this country called Canada, do you think the aboriginal peoples of this country are being treated fairly and honestly? Do you think they have been dealt with honestly in the past? As human

beings, do you think this? If the answer is no, I would ask you as a politician with human values and principles, why do you not do something about it?

I believe the aboriginal issue crosses all Party lines whether on the general, provincial or municipal level. It is an issue that has to be addressed if Canada wants to avoid another Oka crisis like Quebec's.

As mentioned, as Members of the task force, I will expect your report to point out the hypocrisy of Quebec demanding its demands. It is plain to see how they plan to deal with the aboriginal people living in the province of Quebec in the future. After all, they have been shopping for tanks in anticipation of more aboriginal unrest.

* (2200)

The aboriginal people of Quebec, as well as the rest of Canada, need the support of every Canadian living in this country. They need your support. They need the support of everybody in this room and everybody watching us on television. If you care about Canada, you can show your concern by supporting the six principles laid out by the Assembly of Manitoba Chiefs.

Before I close, I want to point out my support for an equal, elected Senate and a balance between central and decentralized Government.

Finally, I would like to point out that when elected politicians fly off to Ottawa, they seem to lose their sense of altruism. They seem unaware of the opportunity that lies in front of them.

The Prime Minister of this country and the Premier of this province, and each of you sitting there as politicians, have a unique opportunity in front of you. You have a chance to go down in history as advocates for the aboriginal people.

To improve the relationship between Canada and the aboriginal people you have no choice but to improve and amend the Constitution. Canada has been cracked by Quebec's push for separation, and the federal Government has made many concessions to them while ignoring the rights of other provinces and aboriginal peoples.

The province and the federal Government have not been addressing aboriginal rights such as unsettled land claims in Quebec.

Finally, before I close, I would like to point out to you that my presentation is not dealing with anything complex. It is very simple. If you want to hold Canada together, the path to go is to support the aboriginal

people and make sure that they are sitting down at the table for the Constitution. They are going to be the glue that holds Canada together.

Thank you.

Mr. Chairman: Thank you very much, Mr. Piché. Are there any questions? Thank you again, sir.

Mr. Peter Silva:

Ladies and gentlemen, that concludes our evening in Room 286 of the Legislature. We thank you for coming, for your presentations, and we will be back on Monday at 10 a.m. for an extra day of hearings, also on Tuesday at 9:30 a.m. until noon. We will be running all day Monday. Tuesday we will be finishing at noon, and that will conclude this round of public

hearings. Because of the number of people who have expressed their desire to share their thoughts with us, we have laid on an extra day and a half of hearings next Monday and Tuesday.

I would like to thank the viewers who have been with us on television this evening, cable television. We hope you have enjoyed sharing what we as a task force have shared with our presenters, and we hope you may be able to join us again next Monday when there will be a continuation of live broadcasting beginning at 10 a.m. on Monday.

Good night, ladies and gentlemen. Thank you again.

HEARING ADJOURNED AT: 10:05 p.m.